4726. Also, petition of the Street & Smith Corporation, publishers, of New York City, opposing section 611 and requesting that the same be stricken from the proposed revenue act; also requesting that instead of repealing section 612 the same be clarified; to the Committee on Ways and Means.

4727. Also, petition of the North American Water Works Corporation, New York City, favoring the passage of House bill 11026, to provide for the coordination of the public health activities of the Government; to the Committee on Interstate and Foreign Commerce.

4728. Also, petition of the Dixie Post, No. 64, Veterans of Foreign Wars of the United States, National Sanatorium, Tenn., favoring the passage of the Rathbone bill (H. R. 9138); to the Committee on Pensions.

4729. Also, petition of the District of Columbia Federation of Women's Clubs, Washington, D. C., favoring the passage of the Capper-Gibson bills (S. 1907 and H. R. 6664); to the Committee on the District of Columbia.

4730. By Mr. PRALL: Resolution passed by the Friendship Council, No. 44, Junior Order of the American Mechanics of the State of New York (Inc.), Port Richmond, Staten Island, N. Y., received from Frank W. Hugi, recording secretary, relative to 3,000,000 aliens in the United States illegally and unlawfully; to the Committee on Immigration and Naturalization.

4731. By Mr. SANDERS of Texas: Petition of W. M. Stuart and several other citizens of Van Zandt County, Tex., in behalf of the Hudspeth bill to prevent gambling in cotton futures and to make it unlawful for any person, corporation, or association of persons to sell any contract for future delivery of any cotton within the United States, unless such seller is actually the legitimate owner of the cotton so contracted for future delivery at the time said sale or contract is made; to the Committee on Agriculture.

4732. By Mr. SPEAKS: Petition signed by Mr. Samuel E. Keith and some 60 citizens of Franklin County, Ohio, urging that all Civil War widows be granted an allowance of $50 per month; to the Committee on Invalid Pensions.

4733. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4734. Also, petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4735. Also, petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4736. Also, petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4737. Also, petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4738. Also, petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4739. By Mr. WEAVER: Petition of sundry citizens of Haywood County, N. C., protesting against House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

4740. By Mr. WINGO: Petition of certain citizens of Pike County, Ark., indorsing increased pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

4741. By Mr. WOOD: Protest of M. R. Lowenstine, of Valparaiso, Ind., against the enactment of Senate bill 1572; to the Committee on the Post Office and Post Roads.

4742. Also, petition of sundry citizens of Lake County, Ind., protesting against an increase of the present quotas of immigrants to this country; to the Committee on Immigration and Naturalization.

SENATE

THURSDAY, *March 1, 1928*

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Almighty God, the fountain of all wisdom, who knowest our necessities before we ask and our ignorance in asking, have compassion, we beseech Thee, upon our infirmities, strengthen us, we pray Thee, with Thy Holy Spirit, and daily increase in us Thy manifold gifts of grace, the spirit of wisdom and understanding, the spirit of counsel and knowledge and true godliness. And those things which for our unworthiness we dare not and for our blindness we can not ask, vouchsafe to give us for the worthiness of Thy Son, Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bill and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 9040. An act to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes;

H. J. Res. 192. Joint resolution to provide for the coinage of a medal in commemoration of the achievements of Col. Charles A. Lindbergh; and

H. J. Res. 223. Joint resolution making an additional appropriation for the eradication or control of the pink bollworm of cotton.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Sheppard
Barkley	Fess	McKellar	Shipstead
Bayard	Fletcher	McLean	Shortridge
Bingham	Frazier	McMaster	Simmons
Black	George	McNary	Smith
Blaine	Gerry	Mayfield	Smoot
Blease	Gillett	Metcalf	Steck
Borah	Glass	Moses	Steiwer
Bratton	Gooding	Neely	Stephens
Brookhart	Gould	Norbeck	Thomas
Broussard	Greene	Nye	Tydings
Bruce	Hale	Oddie	Tyson
Capper	Harris	Overman	Wagner
Caraway	Harrison	Phipps	Walsh, Mass.
Copeland	Hayden	Pine	Walsh, Mont.
Couzens	Heflin	Pittman	Warren
Curtis	Howell	Ransdell	Waterman
Cutting	Johnson	Reed, Pa.	Watson
Dale	Jones	Robinson, Ark.	Willis
Deneen	Kendrick	Robinson, Ind.	
Dill	Keyes	Sackett	
Edge	King	Schall	

Mr. GERRY. I wish to announce that the Senator from New Jersey [Mr. EDWARDS] is necessarily detained from the Senate on account of illness in his family.

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

HOUSE BILL AND JOINT RESOLUTIONS REFERRED

The following bill and joint resolutions were severally read twice by their titles and referred as follows:

H. R. 9040. An act to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes; to the Committee on Agriculture and Forestry.

H. J. Res. 192. Joint resolution to provide for the coinage of a medal in commemoration of the achievements of Col. Charles A. Lindbergh; to the Committee on the Library.

H. J. Res. 223. Joint resolution making an additional appropriation for the eradication or control of the pink bollworm of cotton; to the Committee on Appropriations.

ENROLLED BILLS SIGNED

The VICE PRESIDENT announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H. R. 121. An act authorizing the Cairo Association of Commerce, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cairo, Ill.; and

H. R. 5679. An act authorizing the Nebraska-Iowa Bridge Corporation, a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River between Washington County, Nebr., and Harrison County, Iowa.

PETITIONS AND MEMORIALS

Mr. WALSH of Massachusetts presented memorials of sundry citizens of Boston and other municipalities in the State of Massachusetts, remonstrating against the passage of the so-called Brookhart bill (S. 1667) relative to the distribution of motion

pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Boston, Cambridge, and Medford, and of sundry other citizens, all in the State of Massachusetts, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. SIMMONS presented a petition of sundry citizens of Jackson County, N. C., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. FRAZIER presented the petition of Walter D. Sundquist and 63 other citizens of Wilton, N. Dak., praying for the adoption of measures to clarify the interference situation in radio broadcasting so as to improve radio reception, which was referred to the Committee on Interstate Commerce.

Mr. BARKLEY presented petitions of sundry citizens of the State of Kentucky, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. HOWELL presented a petition of sundry citizens of Polk County, Nebr., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. WILLIS presented a petition of sundry citizens of Cincinnati and Norwood, in the State of Ohio, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. COPELAND presented a letter, in the nature of a petition, from Capt. Fritz Nelson, immigration secretary, the Salvation Army, at New York, N. Y., praying for the passage of the bill (S. 2271) to permit the admission, as nonquota immigrants, of certain alien wives and children of United States citizens, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the transportation committee of the Buffalo (N. Y.) Chamber of Commerce, opposing the passage of the bill (S. 1760) to increase the capital stock of the Inland Waterways Corporation and protesting against the Government continuing the operation of transportation facilities, which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Yonkers and Edinburg, in the State of New York, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented resolutions adopted by De Witt Clinton Council, No. 190, Junior Order United American Mechanics, of Yonkers, N. Y., favoring the passage of legislation providing for the registration of all aliens in the United States and providing for alien deportation, and also requesting that no further postponement be had in the execution of the national-origins provision of the existing immigration law, which were referred to the Committee on Immigration.

REPORTS OF COMMITTEES

Mr. STECK, from the Committee on Military Affairs, to which was referred the bill (S. 2733) to amend the military record of Joseph Cunningham, reported it with amendments and submitted a report (No. 445) thereon.

Mr. GERRY, from the Committee on Naval Affairs, to which was referred the bill (S. 1852) to correct the naval record of John Lewis Burns, reported it without amendment and submitted a report (No. 447) thereon.

DELAWARE RIVER BRIDGE, BURLINGTON, N. J.

Mr. DALE. Mr. President, from the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 7948) to extend the times for commencing and completing the construction of a bridge across the Delaware River at or near Burlington, N. J., and I submit a report (No. 446) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OHIO RIVER BRIDGE AT RAVENSWOOD, W. VA.

Mr. NEELY. I ask unanimous consent for the present consideration of the bill (H. R. 6073) granting a permit to construct a bridge over the Ohio River at Ravenswood, W. Va.

There being no objection, the bill was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near Ravenswood, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. That said E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, the State of Ohio, any public agency or political subdivision of either of such States within or adjoining which any part of the bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War, and with the Highway Departments of the States of West Virginia and Ohio, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said E. M. Elliott, Chicago, his heirs, legal

representatives, and assigns, shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act, is hereby granted to E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill authorizing E. M. Elliott, of Chicago, his heirs, legal representatives and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ravenswood, W. Va."

MISSISSIPPI RIVER BRIDGE AT HICKMAN, KY.

Mr. BARKLEY. I ask unanimous consent for the present consideration of the bill (H. R. 7921) authorizing A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Hickman, Fulton County, Ky.

Mr. CURTIS. It is in the regular form of a bridge bill?

Mr. BARKLEY. Yes; in regular form.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT NEW ORLEANS

Mr. BROUSSARD. I ask unanimous consent for the present consideration of the bill (H. R. 10298) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans, La. I have just talked to the chairman of the subcommittee on commerce in charge of the bill and he has consented to my asking that the bill be considered at this time.

Mr. CURTIS. Has the bill been reported from the Committee on Commerce?

Mr. BROUSSARD. The Senator from Vermont [Mr. DALE] is chairman of the subcommittee and he authorized me to ask for its consideration at this time. The permit is about to expire and the parties interested would like to have it extended.

Mr. SMOOT. An extension of time for how long?

Mr. BROUSSARD. One year to commence and three years to complete. The permit will expire on the 2d of March.

Mr. CURTIS. I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of the bill and that the bill be placed on its passage.

There being no objection, the Committee on Commerce was discharged from the further consideration of the bill, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECOMMITTAL OF BILLS

On motion of Mr. GEORGE, the following bills were recommitted to the Committee on Military Affairs:

A bill (H. R. 2294) for the relief of George H. Gilbert; and

A bill (H. R. 4655) for the relief of David E. Goodwin.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BRUCE:

A bill (S. 3440) to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia, and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street; to the Committee on the District of Columbia.

By Mr. WALSH of Massachusetts:

A bill (S. 3441) granting an increase of pension to Mary Frary; to the Committee on Pensions.

A bill (S. 3442) to admit to the United States Chinese wives of certain American citizens; to the Committee on Immigration.

A bill (S. 3443) to permit persons on the active or retired list of the military or naval forces to receive compensation under the World War veterans' act, 1924, as amended, in lieu of active or retired pay; to the Committee on Finance.

By Mr. BRATTON:

A bill (S. 3444) granting a pension to Daniel Armijo (insane); and

A bill (S. 3445) granting a pension to George H. Bain (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3446) for the relief of Allan MacRossie, jr.; to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 3447) granting a pension to Clair Childers; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 3448) granting an increase of pension to Mary Gocke; to the Committee on Pensions.

By Mr. FRAZIER:

A bill (S. 3449) granting an increase of pension to Lucy A. Freeman (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3450) granting a pension to Oakey F. Albright (with accompanying papers); to the Committee on Pensions.

By Mr. BAYARD:

A bill (S. 3451) granting an increase of pension to Catherine Fluehr (with accompanying papers); to the Committee on Pensions.

A bill (S. 3452) for the relief of George W. Abberger; to the Committee on Claims.

By Mr. ROBINSON of Indiana:

A bill (S. 3453) to confer jurisdiction upon the Court of Claims to hear and determine the claim of Clara Percy; to the Committee on the Judiciary.

By Mr. METCALF:

A bill (S. 3454) granting an increase of pension to Hortense J. S. Church (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 3455) granting a pension to Sarah J. Pummel; to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 3456) allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President; to the Committee on Military Affairs.

By Mr. WILLIS:

A bill (S. 3457) to amend section 58 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes"; to the Committee on Territories and Insular Possessions.

By Mr. WALSH of Massachusetts:

A joint resolution (S. J. Res. 104) for the relief of Katherine Imbrie, widow of the late United States Vice Consul Robert Whitney Imbrie; to the Committee on Foreign Relations.

By Mr. REED of Pennsylvania:

A joint resolution (S. J. Res. 105) providing for the issuance of a special postage stamp in commemoration of the one hundredth anniversary of the first run of a locomotive in America; to the Committee on Post Offices and Post Roads.

AMENDMENT TO TAX BILL—LIENS ON REAL PROPERTY

Mr. FLETCHER submitted an amendment intended to be proposed by him to House bill No. 1, the tax reduction bill, which was referred to the Committee on Finance and ordered to be printed.

MUSCLE SHOALS

Mr. HEFLIN. Mr. President, I submit an amendment in the nature of a substitute which I may desire to offer to the Senate Joint Resolution 46, relative to Muscle Shoals, now the unfinished business of the Senate. I ask that the proposed substitute may be printed and lie on the table.

The VICE PRESIDENT. The amendment in the nature of a substitute will be printed and lie on the table.

CONSTUCTION OF RURAL POST ROADS

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (S. 2327) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

CALF-LEATHER INDUSTRY

Mr. COPELAND. Mr. President, the condition of the calf-leather industry of the United States was brought to the attention of the Congress about three years ago and the Department of Commerce and the United States Tariff Commission, under a joint resolution introduced by me, made an investigation of the causes of depression in that industry, and the effect of foreign competition, calf leather being on the free list. A detailed report was accordingly submitted to the Congress under date of February 11, 1925, in which it was shown that the foreign tannery wage on an average was 67 per cent below the American scale.

The average wage per hour for tannery workers then paid in the United States was 52.7 cents, whereas those of five principal tanning countries of continental Europe ranged between 12 and 20 cents, and it is the competition from these countries that is being so keenly felt. It hardly need be said that American tannery workers could not even begin to subsist on such poor wages.

It was also shown in this report that European tanners in particular occupy a strategic position as regards the securing of lower priced tanning materials, dyes, and other chemicals essential to the production of calf leather, the report showed.

Since the 1925 report of the Department of Commerce was submitted to Congress very little improvement has been made in the depressed condition of the calf-leather industry. Indeed, the situation is worse, viewed from the interests of both the tanner and the laboring men employed by him.

Therefore it seems timely to ask the United States Tariff Commission to make another inquiry as to the extent of the sales of foreign calf leather in the United States and the difference in the wages of tannery workers in the United States and competitive countries. I ask for the reading of the resolution which I send to the desk.

The Chief Clerk read the resolution (S. Res. 163), as follows:

Resolved, That the United States Tariff Commission is hereby requested to investigate and report to the Senate the extent of sales of foreign calf leather in the United States since January 1, 1925, and the rates of wages paid calf tannery workers in the United States and competing countries.

Mr. COPELAND. In view of the pressing nature of the conditions existing in the industry, I ask unanimous consent for the immediate consideration of the resolution.

Mr. SMOOT. I ask the Senator to let it go over until tomorrow. I think I can get for him the information which he desires. If not, I shall have no objection to the resolution.

Mr. COPELAND. Very well.

The PRESIDING OFFICER (Mr. THOMAS in the chair). The resolution will go over.

WITHDRAWAL OF PAPERS—J. H. ORR

On motion of Mr. CAPPER, it was—

Ordered, That the papers filed in support of S. 2135, Sixty-eighth Congress, for the relief of J. H. Orr, be withdrawn from the files of the Senate, no adverse report having been made thereon.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 88) authorizing the erection on public grounds in the District of Columbia of a stone monument as a memorial to Samuel Gompers.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BARBOUR, Mr. CLAGUE, Mr. TABER, Mr. HARRISON, and Mr. COLLINS were appointed managers on the part of the House at the conference.

APPROPRIATIONS FOR THE WAR DEPARTMENT

Mr. WARREN. I ask the Chair to lay before the Senate the action of the House of Representatives just received on House bill 10286.

The PRESIDING OFFICER (Mr. THOMAS in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, that the invitation of the House for a conference be accepted, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. REED of Pennsylvania, Mr. JONES, Mr. WARREN, Mr. HARRIS, and Mr. FLETCHER conferees on the part of the Senate.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 27, 1928:

S. 1154. An act to authorize the use by the county of Yuma, Ariz., of certain public lands for a municipal aviation field, and for other purposes.

On February 28, 1928:

S. 1425. An act to remove a cloud on title.

On February 29, 1928:

S. 1759. An act to authorize appropriation of treaty funds due the Wisconsin Pottawatomi Indians.

NATIONAL FOREST RESERVATION COMMISSION

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Public Lands and Surveys:

To the Congress of the United States:

I am transmitting herewith for the consideration of the Congress copies of resolutions adopted by the National Forest Reservation Commission at its meeting held on February 18, 1928, together with letters from the Secretary of Agriculture relating to the proposed addition of certain public lands to the Fremont National Forest, in the State of Oregon, and the Bighorn National Forest, in the State of Wyoming, which have been submitted by the President of the National Forest Reservation Commission.

CALVIN COOLIDGE.

THE WHITE HOUSE, *March 1, 1928.*

[NOTE.—Resolutions accompanied similar message to the House of Representatives.]

THE RADIO SITUATION

Mr. DILL. Mr. President, a few days ago I made some remarks about the radio situation and referred to the House amendment which was pending at that time. I have had further information regarding it which has caused me to reconsider some things I said about the amendment. I ask to have inserted in the RECORD a statement by Representative DAVIS, of Tennessee, printed in the United States Daily of February 29, 1928, on this subject, and also the last page and a half of the House committee report on Senate bill 2317.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

BILL TO REALLOCATE RADIO WAVE LENGTHS IS DEFENDED BY REPRESENTATIVE DAVIS—PRESENT DISTRIBUTION OF STATIONS AND POWER IS CRITICIZED AS UNFAIR TO LISTENERS

Representative DAVIS (Democrat), of Tullahoma, Tenn., on February 28 issued a statement defending the proposal for an equitable distribution of radio wave lengths and station power as provided in an amendment to the radio bill (S. 2317).

The amendment was adopted by the House Committee on Merchant Marine and Fisheries at the instance of Mr. DAVIS and will be included in the bill as it will be reported to the House. The committee already has given the measure as amended its approval and authorized the preparation of a favorable report. The full text of the statement of Mr. DAVIS, which is a reply to a recent statement of O. H. Caldwell, a member of the Federal Radio Commission, follows:

The intemperate attack upon the distribution clause contained in the radio bill favorably reported by the House Committee on the Merchant Marine and Fisheries given to the press by Commissioner O. H. Caldwell shows conclusively that such a clause is necessary to insure relief from the present unfair and discriminatory distribution.

The radio act passed by the last Congress authorizes an equitable distribution and indicated to the commission that Congress desired such a distribution. However, this provision was wholly ignored by the commission. The amendment in question directs what the committee conceived to be a proper distribution.

DISTRIBUTION OF POWER AND WAVES CRITICIZED

The existing law divides the country into five zones, the first four zones being of substantially equal population, and the fifth zone being of considerably less population but much larger geographical area. According to the present set-up the number of broadcasting licenses and the station power they are authorized to employ are as follows:

Zone	Number stations	Total station power in watts	Percentage of station power
1	138	213,055	35.30
2	115	116,805	19.34
3	102	47,105	7.80
4	215	164,870	27.31
5	131	61,785	10.24
Total	701	603,620	100.00

The third zone, with the largest population of any of the zones and by far the largest area except the fifth zone, is granted but 7.8 per cent of the total station power. The second zone, with but 40,000 less population and a much larger area and embracing the cities of Philadelphia, Pittsburgh, Detroit, Cleveland, Cincinnati, and Louisville, has but little more than half of the station power authorized in the first zone. The six New England States, with nearly a third of the population of the first zone, have less than an eighth of the power. In the fourth zone, Illinois, with about a fourth of the population of that zone, has more than half of the power granted the stations in the 10 States of that zone. Instances of such gross discriminations could be extended indefinitely.

Commissioner Caldwell proceeds upon the false premise that the zones with stations and power in excess of their quota must be reduced to the basis of the third zone, which has the smallest number of stations and power. Surely Mr. Caldwell knew that the provision required no such thing; it simply provides for an equalization as between the zones. The equalization could be brought about by an increase of power in the zones now so deficient in power, or by both reductions and increases. Manifestly such a course should be followed.

Members of the Radio Commission have been credited with the statement that there should be a substantial reduction in the present number of stations, particularly in the congested areas. Stations for elimination have been placed as high as 300. Mr. Caldwell indicated at the hearings that he favored the elimination of about half that number.

It is recognized by those familiar with the situation that there are too many broadcasting stations in certain congested areas, and there is much complaint from the listeners in such areas. The air is cluttered up and reception frequently very unsatisfactory, not to speak of the fact that the citizens in such areas are unable to get reception from outside stations with any degree of satisfaction. Consequently such a situation is not only unsatisfactory from a local standpoint but it deprives neglected sections of the country of wave lengths and power to which they are justly entitled.

Proceeding upon his false premise, Mr. Caldwell undertakes to show the havoc that would be played in New Jersey, and in order to magnify his argument he very improperly charges to New Jersey the Radio Corporation Station WJZ with 30,000 watt power, which is a New York station with its broadcasting apparatus in New Jersey. As a matter of fact, under the present frame up New Jersey has less than one-twelfth of the station power accorded that zone, although it has over one-eighth of the population. Of course, all of his conclusions based upon a false premise are likewise incorrect.

EQUAL ALLOCATIONS FOR ZONES ASKED

The amendment in question is as follows:

"The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act of broadcasting licenses, of wave lengths, and of station power; and within each zone shall make a fair and equitable allocation among the different States thereof in proportion to population and area."

Of course, this provision would be administered in connection with all the other provisions of the act, including the provision in the same paragraph and immediately preceding the distribution clause, which is as follows:

"The licensing authority, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this act, shall grant to any applicant therefor a station license provided for by this act."

We take the position that the citizens in one section of this country are entitled to the same consideration as a like number in another section.

Mr. Caldwell pretends to be concerned in the interest of the listeners, but his words and actions do not so indicate.

He makes a spacious and misleading argument with respect to the ownership of radio receiving sets. According to the estimates of a responsible radio magazine, such sets in the United States are distributed among the different zones in the following proportion: 24.2 per cent in the first zone; 21.04 per cent in the second zone; 15.97 per cent in the third zone; 25.01 per cent in the fourth zone; 13.11 per cent in the fifth zone.

If better treatment is accorded stations in the third zone, so that the citizens therein can get decent reception, there will be a large and immediate increase in receiving sets in that zone. Commissioner Lafount has just had changes made in 70 stations to improve reception in his, the fifth zone.

We are dealing with the subject from the standpoint of the public generally and the listeners in particular. The public is certainly not concerned alone in a few high-powered monopoly stations. They are also interested in sectional, State, and local stations. We want such a distribution of stations, wave lengths, and power that the listeners can satisfactorily hear any stations they desire, and not be compelled to listen only to a few favored stations as is now the case.

BENEFITS TO LISTENERS PREDICTED UNDER ACT

Mr. Caldwell states that the enactment "of this abominable redistribution clause" will wreck "our present wonderful radio broadcasting structure." It may wreck the plans of a few high-powered monopoly stations and their affiliated chain stations to preempt the broadcasting field, but it will vastly improve the broadcasting structure from the public standpoint.

Mr. Caldwell's libelous designation of this clause is in keeping with his denunciation of provisions in the bill, which are enacted into the present law, against the acquirement of vested rights and providing that persons financially interested in the radio industry should not be eligible to membership on the Federal Radio Commission; and his characterization as "vicious in the extreme" of another provision then in the bill, but now in the act, providing that a station license shall be refused to any person, firm, or corporation "which has been found guilty by any Federal court of unlawfully monopolizing or attempting to monopolize radio communication, through manufacture or sale of radio apparatus or which has used unfair methods of corruption."

The Radio Commission has cleared 25 channels or wave lengths between the range of 600 and 1,000 kilocycles, decidedly the most valuable range. On 24 of these channels they have placed chain stations, including the high-powered monopoly stations; on these 24 cleared channels they have placed a total of 31 chain stations. They have granted to the stations on these wave lengths more station power than is granted to the remaining stations, approximately 624 in number, which are crowded together on the remaining 64 less-desirable wave lengths.

The broadcasting stations owned by the General Electric, Westinghouse, Radio Corporation of America, and the National Broadcasting Co., which is owned by the said three companies, are given an aggregate station power of 213,000 watts.

Mr. Caldwell sarcastically complains that Congress has failed to provide funds for personnel and equipment for the Radio Commission. After the enactment of the radio bill creating the commission in the last Congress, the only appropriation bill in which appropriations could be made for the Radio Commission was the deficiency appropriation bill which failed of passage because of the Senate filibuster. During the present Congress the deficiency bill was quickly enacted, and the independent offices appropriation bill, which properly embraces the appropriation for the Radio Commission, has passed the House, and the commission did not ask that there be included in either of those bills any more than the salaries of the commission, its secretary, and perhaps a very few other subordinate officials; at any rate, the appropriation which they asked for was included.

Mr. Caldwell stated in the recent hearings that he did not think that the commission needed any expert advisers—he doubtless preferred to perform that function himself.

Mr. Caldwell also complains that the Senate has not confirmed three members of the Radio Commission. He is more responsible for that situation than anybody else.

It remains to be seen whether Mr. Caldwell and those for whom he is speaking and for whom he has been acting will be able to arrogantly dictate to Congress a legislative policy.

[House of Representatives, Seventieth Congress, first session, Committee on the Merchant Marine and Fisheries, Rept. No. 800]

* * * * * * *

Your committee has added a new section which deserves the thoughtful consideration of the House. The second paragraph of section 9 of existing law has been the subject of much controversy. Some have contended that it imposed the obligation upon the commission to distribute stations, power used, and wave lengths equitably among the States. Others have insisted that the 1927 act directed the commission to so locate stations and to so distribute power and wave lengths to them that there might result equitable service to the people in the different parts of the country. It is now urged by many persons in the third zone that the people in the States of this zone have neither a fair proportion of stations, of power, or of desirable wave lengths, nor do they receive the service to which they are entitled. Like complaints have come from other zones and States.

This third zone has a greater percentage of the population of the United States than either of the other zones and is second in area. It has, however, the smallest number of stations, with less power authorized to be used by them than any of the other zones. It has very few stations with power in excess of 1,000 watts. Figures as to these items change often. The following table may not be strictly accurate, but it represents the present situation with substantial correctness:

Analysis of broadcasting licenses

	Population	Population (per cent)	Area (square miles)	Area (per cent)	Number of stations	Total station power in watts	Percentage of station power	Stations with over 1,000 watts
Zone 1	24,378,131	22.73	129,769	3.63	138	213,055	35.30	10
Zone 2	24,337,341	22.69	247,517	6.93	115	116,805	19.34	8
Zone 3	24,826,050	23.14	761,895	21.33	102	47,105	7.80	4
Zone 4	24,492,986	22.83	658,148	18.42	215	164,870	27.31	30
Zone 5	9,213,720	8.59	1,774,447	49.68	131	61,785	10.24	8
Total	107,248,228	100.00	3,571,776	100.00	701	603,620	100.00	60

It is not to be concluded from the set-up here disclosed that the licensing authority has been guilty of intentional discrimination against this third zone. Prior to the present radio law there was no authority to control the location of stations. It does no violence to truth to say that prior to March, 1927, stations were built whenever and wherever applicants desired and that there was no legal power to control either the use of wave lengths or power. The present commission on its assumption of authority found conditions not much different than they now are. It is perhaps idle to consider whether the commission during the past year could or should have brought about a redistribution. This amendment looks to the future. It declares in terms the duty of the licensing authority to make an equal allocation among the five zones, of broadcasting licenses, of wave lengths, and of station power and provides that within each zone there shall be an equitable allocation among the States thereof in proportion to population and power. The equality here sought is not an exact mathematical division. That may be physically impossible. The language does not contemplate the withdrawal of station licenses, of power and of wave lengths from others, and an impounding thereof in the absence of applications from the third or other zones therefor. It does not suggest that the requirement of the law of a showing of public interest, convenience, or necessity as the basis for the grant of a license, or that other provisions of the law are to be waived. It is intended, however, to require of the licensing authority that as soon as may be and in proper cases licenses in number and in kind shall be granted to applicants from this third zone and other sections of the country sufficient to bring equality in the particulars specified. If, however, within the entire United States the saturation point is now reached and additional stations or additional power or other wave lengths may not be granted in a particular zone without prejudice to all, then it necessarily follows that there must be worked out a redistribution of the stations and of the power and of wave lengths now authorized. This equality does not necessarily require the reduction of all other zones to the level of the least favored. It might be achieved by raising all to the plane of the highest, or it might be effected by a combination of new grants and a redistribution of existing licenses. There is no warrant for the assumption that the first of these alternatives is the only way in which this problem can be worked out. The amendment declares a desired end but does not presume to direct the commission as to the steps necessary to attain the result sought. Your committee does not believe that it seeks either an impossible or an unreasonable solution. It is not anticipated that this purpose will be immediately accomplished but we conceive it to be basically right and recommend that the commission should proceed to make such allocation as will reasonably meet this rule as speedily as it may be done.

PROPOSED STREET RAILWAY MERGER IN DISTRICT OF COLUMBIA

Mr. BROOKHART. Mr. President, I read from the Washington Herald a statement in reference to the traction situation in this city:

John H. Hanna, president of the Capital Traction Co., declared that should the merger fail to go through his company certainly would ask an increased fare and get it. Prospects of a higher fare in any event were seen in the fact that, even granting the estimated savings through a merger, the estimated return under the present rate would total a fraction under 6 per cent. The companies insist upon a return of 7 per cent.

Mr. President, it is with some desire to raise an issue as to the proposed return of 7 per cent that I rise at this time. I would like to ask the Senator from Kansas [Mr. CAPPER] chairman of the Committee on the District of Columbia, as to the situation with reference to the rate question that is being considered.

Mr. CAPPER. I will say to the Senator from Iowa that there is no measure of any kind, bill, resolution, or otherwise, before the Committee on the District of Columbia, or any other committee of the Senate that I know of, which involves the merger of the transportation lines in the District of Columbia.

Mr. BROOKHART. In what shape is it pending that brings on this publicity?

Mr. CAPPER. The merger matter is now before the Public Utilities Commission of the District of Columbia in the form, apparently, of an agreement reached by the transportation companies of this city whereby they propose to form a merger. The Public Utilities Commission are holding hearings and inquiring into the merits of the merger plan. When they have concluded their hearings, if they see fit to approve the program agreed to by the transportation companies, the Public Utilities Commission will, under the terms of the merger act passed by Congress, submit to Congress for ratification or rejection the merger plan.

Mr. BROOKHART. The matter then will come before the Senate for action?

Mr. CAPPER. Yes; and let me add that nothing can be done in the District of Columbia, so far as a merger of the transportation lines is concerned, without ratification and approval by Congress.

Mr. BROOKHART. I thank the Senator from Kansas.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator from Kansas if the Public Utilities Commission have the power to raise or lower rates for the carrying of passengers on street cars in the District of Columbia?

Mr. CAPPER. I think they have.

Mr. ROBINSON of Arkansas. It appears that a rate of 8 cents is being charged in the District and has been charged, I think, since about the beginning of the war period. Does the Senator from Kansas know of any large city in the United States where a fare greater than that is being collected?

Mr. CAPPER. I do not. Furthermore, I can conceive of no situation that might arise which would justify or warrant any increase by the transportation companies in the rates now charged the people of this city.

Mr. ROBINSON of Arkansas. The object which prompted me to say anything in this connection grows out of the fact that it has seemed that a reduction might be made in the fares which are being charged in the District of Columbia. The present rate was imposed during the war period. It is very high. Eight cents, I think, is as high as is being charged and collected anywhere in the country. Of course, there are 6 tokens sold here for 40 cents, but that is not very different from a rate of 8 cents for a single fare.

I recognize as a fundamental principle of economics and of law that those who invest their moneys in any enterprise affected with a public interest have the right to a reasonable return on their investment when their business is honestly and economically administered.

Mr. CARAWAY. Will the Senator pardon me for just a moment?

Mr. ROBINSON of Arkansas. I yield to the Senator from Arkansas.

Mr. BROOKHART. I think I have the floor.

Mr. ROBINSON of Arkansas. If the Senator declines to yield, I shall wait and take the floor in my own right.

Mr. BROOKHART. I wanted to make a suggestion in answer to what the Senator has just said.

Mr. ROBINSON of Arkansas. I have not concluded what I was going to say. I should like the Senator from Iowa to yield to my colleague.

Mr. BROOKHART. I, too, want all questions to be asked which any Senator may desire to ask, but I should like to complete my statement before yielding the floor.

The senior Senator from Arkansas has suggested that the rate of fare is too high, and there are some fundamental economic reasons why it is too high. It is to those I desire to call the attention of the Senator and of the Senate.

In the first place, the rate of a 7 per cent return is too high for any public utility anywhere in the United States; it is extortionate; and I will give the Senate the facts on which I base that conclusion. The return on the whole production of the American people, including all their work, all their labor, all their capital, all increases in property values, all depreciation of the dollar, every item that goes into the measure of value in the United States, is only about 5½ per cent a year.

Why should the public-utility industry be singled out by commissions and courts and be given a return far above the average return on all the American capital? It is almost a guaranteed industry; it has been given a valuation that on an average is considerably more than its investment. Then, it has a command of the law, even of the common law, that it shall have a reasonable or adequate return upon that investment. That makes it the most stabilized investment we have next to Government bonds themselves, and yet we find constantly, and going without challenge almost, the suggestion that it shall have a 7 per cent return, when the average return on the whole peoples' capital, labor and all, is only 5½ per cent.

Mr. CARAWAY. Mr. President, will the Senator from Iowa permit me to interrupt him now?

Mr. BROOKHART. I yield to the Senator.

Mr. CARAWAY. Mr. President, if the Senator will examine the charters of the street-car companies in the District he will find that they were required under those charters to sell six tickets for a quarter. There has not been any repeal; there has not been any amendment of those charters. A public utilities commission was created here, which has exercised its ingenuity to raise fares, and I have no doubt that it is not within the power of the courts here to compel them to comply with their charters. They are violating them every day. If I might be permitted to say so, it looks to me like—and I regret to say it, but I wish to say it while the chairman of the committee is present—it looks like when we get a Committee on the District of Columbia it finally ceases to function except in a one-sided way. There is a cry going up, of course, all the time for letting the people back home pay all of the taxes for the District of Columbia, and every demand for a special privilege receives immediate approval.

A long time ago I introduced a bill, for which I never could get any consideration at all, that would have regulated street-car fares here and forced a merger, by requiring the commission to grant a charter to a bus line to run along the lines of the street-railway company that would not comply with its charter. I can not get any consideration for that bill; but there is a demand now for a consolidation and for a 7 per cent return, which is an outrage.

Mr. BROOKHART. I think the 7 per cent claim grows out of a comparison with the earnings of certain other lines of business; but the question I want to ask is why should a commission or a court pick out some particular line of business or some group of business industries that has a high return and then say a utility shall have an equal return? Why should not they consider every line of business and determine the average? If they will do that, it will be found that a reasonable return for a public utility will not much exceed 4 per cent. We talk about the earnings of industries and about great prosperity in the United States at this time and then give the public utilities a return by law through our commissions and our courts equal to the returns under such prosperity; but whose prosperity is it?

I have figures from the Department of Commerce showing that 177,000 corporations in the United States since 1922, more than five years, have operated at the enormous loss of nearly $2,000,000,000 a year. We have prosperity for only a few industries, the public utility is one of those industries by the special favor of the law.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Kansas?

Mr. BROOKHART. I yield.

Mr. CURTIS. I do not want to ask the Senator a question, but I desire to suggest to him that under the rule during the morning hour debate is limited to five minutes.

Mr. BROOKHART. Very well; I shall discontinue my remarks at this time.

ERADICATION OF PINK BOLLWORM

Mr. WARREN. From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 223) making an additional appropriation for the eradication or control of the pink bollworm of cotton. I ask unanimous consent for the immediate consideration of the joint resolution.

Mr. ROBINSON of Arkansas. Let the joint resolution be read.

The VICE PRESIDENT. The joint resolution will be read.

The joint resolution was read, as follows:

Resolved, etc., That to enable the Secretary of Agriculture to meet an emergency caused by a serious outbreak of the pink bollworm of cotton in western Texas, and to prevent its spread to other parts of Texas and to adjoining States, including the same objects and under the same conditions specified under the heading "Eradication of pink bollworm" in the agricultural appropriation act for the fiscal year 1928, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the additional sum of $200,000, to remain available until June 30, 1929.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. WARREN. Mr. President, this additional appropriation is called for by the Agricultural Department, whose agents have been on the ground where this scourge is being experienced. The department asks that an appropriation of $200,000 be made; in fact, an appropriation of that sum has already been embodied in the agricultural appropriation bill in the House of Representatives, and this sum may be deducted from the appropriation which is carried in that bill, but it is desired that the amount may be made immediately available. That is all that is embraced in the bill.

Mr. ROBINSON of Arkansas. I understand the situation to which the Senator from Wyoming refers is emergent?

Mr. WARREN. It is very emergent.

Mr. ROBINSON of Arkansas. And it is necessary that prompt action shall be taken in order to prevent the spread of this pest.

Mr. WARREN. It is so considered.

Mr. BRATTON. Mr. President, I have no objection to the consideration of the joint resolution if it will not lead to debate and interfere with the unanimous-consent order for this morning.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHEPPARD. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point a telegram to Representative BUCHANAN, of Texas, from Dr. C. L. Marlatt with reference to the situation. Doctor Marlatt is chairman of the Federal Horticultural Board and is personally investigating conditions in Texas in connection with the pink bollworm.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

MARFA, TEX., *February 27, 1928.*

J. P. BUCHANAN,

House of Representatives, Washington, D. C.:

Clean-up of gins and regulation of cotton and seed should begin at once in west Texas area. Can the amount which is to be made immediately available be released for use now by joint resolution of Congress? Urgency fully warrants such action.

C. L. MARLATT.

PUEBLO INDIAN LANDS

The VICE PRESIDENT. Morning business is closed. The Chair lays before the Senate, pursuant to the order of yesterday, the amendment of the House of Representatives to the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. CURTIS], which will be stated by the Secretary.

The CHIEF CLERK. On page 3, line 20, after the word "lands," it is proposed to insert "except such part thereof as the Indians shall themselves farm."

Mr. BRATTON. Mr. President, I desire to suggest an amendment to the amendment of the Senator from Kansas. The amendment I suggest is to add to the amendment the words "not to exceed 4,000 acres."

Mr. CURTIS. Mr. President, I am willing to accept that modification. Since the debate of yesterday I have talked with the officials of the Indian Bureau, and they say that 12,000 acres will be all that will be required for many years to come for the use of the Indians.

The VICE PRESIDENT. The question is on the amendment as modified to the amendment of the House.

Mr. LA FOLLETTE. Mr. President, before the amendment is acted upon, I should like to suggest to the Senator from Kansas that there be added to his amendment additional words reading as follows:

But no collection for reimbursement from proceeds of leases of any Indian acres shall exceed in annual amount the payment made annually by white acres of like character toward the amortizing of the share of said white acres in the indebtedness of the Middle Rio Grande conservancy district.

Mr. CURTIS. Mr. President, I have not had an opportunity to study the amendment suggested by the Senator from Wis-

consin, but it seems to me that what it provides would be the attitude of the department in any event.

Mr. LA FOLLETTE. The amendment suggested by me would simply assure the result of the amendment of the Senator from Kansas. As I understand, if he shall incorporate in his amendment the words which have been suggested by the Senator from New Mexico, the result will be to throw a much larger additional burden upon the acres which are not actually farmed by the Indians.

Mr. CURTIS. That is, the 11,000 acres?

Mr. LA FOLLETTE. The purpose of my amendment is to protect those acres in Indian ownership from an excessive rate of collection; in other words, although I do not agree with the justice of loading these additional acres with this larger debt, I believe if protection were incorporated in the bill so that the large additional debt would be paid off over a much longer period of time, that some justice would be secured for the Indians.

Mr. BRATTON. Mr. President, will the Senator from Kansas yield to me?

Mr. CURTIS. I yield.

Mr. BRATTON. I hope the amendment suggested by the Senator from Wisconsin will not prevail. The amendment of the Senator from Kansas in its present form will give the Indians the right not only to farm their present area of 8,346 acres free of debt, free of obligation, and free of reimbursement, but it will give them the right to farm 4,000 additional acres without obligation or reimbursement of any kind from the proceeds of that land. In other words, it will give the Indians the use of 12,000 acres of land plus, susceptible of heavy production, because it would be reclaimed and could be cultivated in an intensive manner.

Mr. LA FOLLETTE. But, Mr. President——

Mr. BRATTON. If the Senator will permit me to complete my statement, I wish to say that all the Government would look to, then, for its reimbursement would be the proceeds of leases upon land that is now practically worthless to the Indians. To say that it would be oppressive can not be sustained by the facts, as I understand them. The amendment suggested by the Senator from Wisconsin, if adopted, not only will jeopardize the passage of the bill but will defeat the legislation as he of necessity must understand. Furthermore, it is a departure from any legislation which I know anything about upon this or kindred subjects.

Mr. LA FOLLETTE. If the amendment which I have suggested to the amendment of the Senator from Kansas is going to be resisted, then I wish to discuss the entire bill upon its merits before the amendment shall be adopted.

Mr. BRATTON. I do not resist the amendment of the Senator from Kansas.

Mr. LA FOLLETTE. I understand that.

Mr. BRATTON. I am willing to accept it in the form in which we have discussed it.

Mr. CURTIS. Mr. President, I yield the floor if the Senator from Wisconsin desires to proceed.

Mr. LA FOLLETTE. Mr. President, I have served for approximately two years upon the Indian Affairs Committee. Senators well realize that to take a position in opposition to that sponsored by a Senator, or, as in this case, the two Senators from a State, is not a pleasant one. Nevertheless, I conceive it to be my duty as a member of the Committee on Indian Affairs to oppose legislation on this floor and in the committee which, after due consideration and such investigation as I am able to make, I feel is not in the interest of the Indians and perpetrates upon them an injustice.

In carrying out the conception of my obligation as a member of that committee I have on numerous occasions opposed the attitude and the position taken by Senators from States in which Indians were concerned in legislation under consideration. So long as I am a member of that committee I shall continue to follow that course.

In my judgment, Mr. President, the action contemplated in this bill, if the House amendment shall prevail, is a breach of faith with the six Pueblo Tribes involved.

If Indians were not concerned in this matter, Mr. President, if the negotiations which led up to the approval of Senate bill 700 as it passed the Senate by interested parties had been made by white citizens, in my judgment this action would not be contemplated, nor would an attempt be made to justify it.

This matter has been in controversy for some time. In 1926 a bill was introduced containing a provision that nothing should be done unless the consent of the Indians was obtained. That bill failed of passage; but the Indian tribes involved, through their duly authorized councils, rejected that bill even with that proposal in it. Then the conservancy district, realizing, I believe, that they could not pass this legislation unless they obtained an indorsement of the Indians involved, concerning the features of Senate bill 700, then proposed to them.

In that connection, Mr. President, I desire to call attention to the action taken by the council representing these tribes which assembled at Santa Domingo pueblo on September 17, 1927. The resolution is as follows:

> The council of all the New Mexico pueblos * * * adopts and recommends to the councils of the several pueblos the following:
>
> First. We recognize the importance of the Rio Grande River problem to all of northern New Mexico and to the Pueblos. The Pueblos, no less than their white neighbors, want to see the floods controlled, the water for irrigation increased, and the water-logged lands restored to cultivation.
>
> Second. The council holds itself absolutely uncommitted to any detail of engineering or financing plan, and to any surrender of land for reservoirs or any other conservancy purpose. The council will duly consider the physical and general financing details of any river project when the officers of the Middle Rio Grande conservancy district, and especially the engineers, have completed their study. We are informed that such study has not yet been completed. Subject to the above—
>
> Third. (a) We shall oppose any plan threatening the destruction of any Pueblo village, now or in the future.
>
> (b) If any reimbursable debt be placed on Pueblo lands, we insist that it be no larger than the amount justified by the direct Pueblo benefits.
>
> (c) We insist that our existing improved acreage—

That, Mr. President, refers to the 8,346 acres in controversy in this connection—

> or its equivalent in lands newly reclaimed, shall remain free from debt of whatever character and from all charges for water. We are opposed to any plan under which the amount of free water for irrigation, which the Pueblos now use or which may be recovered under the Pueblos lands act, or through the independent suits authorized in that act, shall be diminished.
>
> (d) If any reimbursable debt be placed on Pueblo lands of whatever character we insist that such debt be payable out of a share of the crop yield exclusively from the newly developed lands—

That is, from the 15,000 acres—

> but in any case at a rate not exceeding one-fortieth part in any one year.
>
> (e) We insist that any legislation involving the Pueblos in the conservancy project shall contain guaranties against the allotment of our lands.
>
> (f) We are opposed to any condemnation of Pueblo lands for conservancy, and we insist that any land required from the Pueblos shall be agreed to and described in the enabling act.
>
> (g) Because of the many complicated issues involved, we urgently recommend that no effort be made to provide authorization or money involving the Pueblos in the conservancy project in any general appropriation bill or deficiency appropriation bill, but that any legislation sought shall in the first instance be a special act authorizing an appropriation, and shall be considered by the Indian Affairs Committees as well as the Appropriations Committees of Congress.

Mr. President, Senate bill 700 as introduced, as supported by the Department of the Interior and the Indian Office, and as reported from the Committee on Indian Affairs of the Senate unanimously, and as passed by the Senate, contained substantially all of the provisions asked for by these Indians at their formal tribal council meeting; and I think it is of interest to the Senate that on December 1, 1927, Pearce C. Rodey, attorney for the conservancy district, addressed a letter to Hon. Richard H. Hanna, attorney at law, Albuquerque, N. Mex., who represented the Indians and advised them concerning their interests in this conservancy development. Some attempt has been made here to infer that because Judge Hanna was employed at a nominal fee by the American Indian Defense Association in connection with certain other matters he therefore is in some way influenced by the Indian Defense Association in the position which he takes upon the matter now in controversy before the Senate. I have not the honor of the personal acquaintance of Judge Hanna, but I am informed that he is one of the most distinguished members of the bar of the State of New Mexico; and I submit that his statements with regard to this matter are worthy of consideration regardless of whether or not he is employed or under retainer by the American Indian Defense Association in some other matter.

Mr. BRATTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BLEASE in the chair). Does the Senator from Wisconsin yield to the Senator from New Mexico?

Mr. LA FOLLETTE. I shall be glad to yield.

Mr. BRATTON. I am more fortunate than the Senator from Wisconsin in the particular regard he is now discussing. Judge Hanna is an outstanding citizen and one of the ablest lawyers

in the State of New Mexico. His character and his reputation can not be assailed. I do not agree with him in the particular matter we are now discussing; but, that question aside, it is my pleasure to assure the Senate that Judge Hanna is one of the leading citizens of New Mexico, and as good a man as can be found anywhere.

Mr. LA FOLLETTE. I am glad to have the Senator make that statement, because when this matter first came up for consideration and I made some suggestion about the position of Judge Hanna in this matter, the Senator from New Mexico made reference to the fact that he was under retainer by the American Indian Defense Association, and the clear implication of that statement was that this attorney would therefore be influenced in his statements concerning some other proposition. If the Senator from New Mexico did not intend to make that implication in his statement, I am glad to have given him the opportunity to amplify it in the RECORD, because I submit that the language which the Senator used was subject to that inference.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin further yield to the Senator from New Mexico?

Mr. LA FOLLETTE. I do.

Mr. BRATTON. It was not so intended, Mr. President. The Senator from Wisconsin referred to the fact that Judge Hanna was attorney for the Indians, and I replied to the suggestion. "Under the employment of the Indian Defense Society," the secretary of that society being the one that has espoused the opposition to this bill, and has inspired a nation-wide opposition to it to the best of his ability. I expressly acquit Judge Hanna of any improper motives in this or any other matter, but I can not say that for some others in connection with the Indian Defense Society.

Mr. LA FOLLETTE. Mr. President, I do not propose to be drawn into any controversy between Mr. Collier and the Senator from New Mexico. They can settle that controversy between themselves; but I do desire to say that I have come in contact with Mr. Collier during the last few years, I have found him to be reliable, and I have found him to be conscientious in his effort to protect the rights of American Indians.

Mr. BRATTON. Mr. President, if the Senator will yield, I regret exceedingly that I can not share the view of the Senator from Wisconsin with reference to Mr. Collier.

Mr. LA FOLLETTE. The Senator is entitled to any opinion he desires to have in the matter, but I think I have had as long an acquaintance with Mr. Collier as the Senator from New Mexico has had, and I reiterate the statement which I just made concerning him.

On December 1, 1927, Mr. Pearce C. Rodey, the attorney for the conservancy district, addressed a letter to Hon. Richard H. Hanna, and I desire to quote only one paragraph from the letter. He said:

> We have conceded practically all that was ever asked in those resolutions—

Referring to the resolutions adopted by the Indians which I have just read—

> that you sent to me, and have considered all the suggestions that came through you or those you represent. Of course, the Indians have really a gratuity under this bill for the present cultivated acreage; and inasmuch as the lien can not be enforced as to the other lands so long as title thereto is held by the Indians, this gives ample protection against the enforcement of the lien.

On page 31, part 1, of the hearings upon Senate bill 700, as introduced, and which, I think, fully protected the rights of the Indians in this matter, there are set out a number of telegrams addressed to Mr. Collier, signed by the governors of the various pueblos, and also by Sotero Ortiz, president of the council of all the New Mexico pueblos. The import of those telegrams is approval of the bill as introduced, which they were subsequently informed carried out the resolutions adopted by them in 1927. I desire, without reading, to have those telegrams incorporated as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

ISLETA, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

To whom this may concern:

On December 1, 1927, a meeting was held at Santo Domingo, N. Mex., of all the river pueblos and formally instructed John Collier, secretary Indian Defense Association, to represent the pueblos in obtaining protection on conservancy matters.

ANTONIO ABEYTA,
Secretary New Mexico All Pueblo Council.

ALBUQUERQUE, N. MEX., *January 19, 1928.*

JOHN COLLIER,

57 Bliss Building, Washington, D. C.:

Be it resolved by the council of all the New Mexico pueblos assembled at Santo Domingo, N. Mex., January 19, 1928, for the consideration of Senate bill No. 700, regarding appropriation by the Government in aid of the Rio Grande conservancy district as it relates to Indian lands, as follows:

First, that we are opposed to any reimbursable debt against the Indians, even as to newly reclaimed lands, considering this a burden too heavy for us to bear; second, that we are strongly in favor of the provisions of said bill for the protection of Indian lands and rights; third, that though doubtful of ultimate benefit to the Pueblo Indians if the costs to be advanced by the Government are charged against the Indians as a reimbursable debt, we are aware of the fact that conservancy legislation affecting Indian lands is likely to be enacted and we renew our expression of faith in and authorization to the American Indian Defense Association and John Collier to represent our interests in that regard, and ask them specifically to support in any proposed legislation, including Senate bill 700, such provisions as said bill contains for the benefit of the Indians, not including any reimbursable debt, and if a reimbursable debt is unavoidable, which we should regret, you are authorized to support said Senate bill 700 in its entirety; fourth, the following pueblos being present and voting unanimously; for this resolution—Taos, Santa Clara, San Juan, Nambe, San Ildefonso, Santo Domingo, Tesuque, San Felipe, Santa Ana, Cohito, Sandia.

COUNCIL OF ALL THE NEW MEXICO PUEBLOS,
By SOTERO ORITZ, *President.*
CLETO TAFOYA, *Secretary.*

ALBUQUERQUE, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.:*

Although not present at Domingo meeting, we have signed resolutions of pueblo council at our own meeting in Salete, and join, with other pueblos, in expressing satisfaction with your work on conservancy bill and in authorizing you to use best judgment in supporting Senate bill 700 in whole or in part.

JOSE PADILLA, *Governor Isleta Pueblo.*

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

DEAR MR. COLLIER: You are hereby given full authority to support, in whole or in part, the pending Rio Grande conservancy bill on behalf of this pueblo.

JUAN ABILA,
Governor Sandia Pueblo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

DEAR MR. COLLIER: You are hereby given full authority to support, in whole or in part, the pending Rio Grande conservancy bill on behalf of this pueblo.

LORENZO SANCHEZ,
Governor San Felipe Pueblo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

DEAR MR. COLLIER: You are hereby given full authority to support, in whole or in part, the pending Rio Grande conservancy bill on behalf of this pueblo.

TOMASITO TENORIO,
Governor Santo Domingo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.:*

Santa Ana pueblo sends full authority speak for us all hearings Senate bill 700, and send heartfelt thanks for work you have already done.

JOSE REYLEON,
Lieutenant Governor.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

DEAR MR. COLLIER: You are hereby given full authority to support, in whole or in part, the pending Rio Grande conservancy bill on behalf of this pueblo.

AMBROSIO MARTINEZ,
Governor San Juan Pueblo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

DEAR MR. COLLIER: You are hereby given full authority to support, in whole or in part, the pending Rio Grande conservancy bill on behalf of this pueblo.

VICTORIANO SISNEROS,
Governor Santa Clara Pueblo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

DEAR MR. COLLIER: You are hereby given full authority to support in whole or in part the pending Rio Grande conservancy bill on behalf of this pueblo.

JULIO ABEGATO,
Governor Tesuque Pueblo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

DEAR MR. COLLIER: You are hereby given full authority to support in whole or in part the pending Rio Grande conservancy bill on behalf of this pueblo.

LOUIS ORTIZ,
Governor Cochiti Pueblo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.:*

Advise Senate committee you have full authority—speak for us in all matters relating to conservancy bill. We are all behind you.

LORETO VIGIL,
Governor Nambe Pueblo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.:*

San Ildefonso pueblo sends you its consent to represent it in all hearings on the conservancy bill, S. 700.

ANTILANO MONTOYA, *Governor.*

SANTA FE, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.:*

Although not affected by conservancy, we were present Domingo meeting and send you full support and appreciation for your work on behalf of pueblos.

TASO PUEBLO,
By MANUEL CORDOVA, *Governor.*

Mr. LA FOLLETTE. Mr. President, I desire to read a telegram dated at Albuquerque, N. Mex., January 20, 1928, appearing on page 33 of the hearings, and signed by Hanna & Wilson, Mr. Wilson being a partner of the Judge Hanna to whom I have just referred. This is addressed to John Collier, and reads:

ALBUQUERQUE, N. MEX., *January 20, 1928.*

JOHN COLLIER, *Washington, D. C.:*

As counsel for each pueblo affected by conservancy district, attended general meeting September 17 where pueblos took definite stand on conservancy, and subsequent meeting December 1, where they renewed position demanding protective measures in conservancy bill and gave you unqualified authority represent them in obtaining such protection. Also attended meeting January 19, where Senate bill 700 read in full Spanish and Indian languages and discussed from all angles. Indians much relieved by protective measures in bill and passed resolution authorizing you speak for them. Indians opposed any reimbursable debt but feel if such debt unavoidable the safeguards contained in bill are absolutely necessary. We have represented this Indian attitude in number of informal meetings local conservancy heads and believe they realize solidity of Indian feeling.

HANNA & WILSON.

Mr. President, following that long controversy, following the indorsement given by these pueblos to this bill, it was reported unanimously from the Senate Committee on Indian Affairs in the form of Senate bill 700. It was passed in the Senate by unanimous consent, it went to the House, there it was amended without explanation given, the House striking out the protective features which the Indians have insisted upon in every step taken in this controversy. It was brought back here in the form of a message from the House of Representatives, and passed without any explanation of the changes which had been made in the House.

It then became necessary to move for reconsideration. The bill was rereferred to the Senate Committee on Indian Affairs, and there, after a hearing, the committee divided very closely, only one majority being secured for the report of the bill to this body in the form in which it now is before us.

It should not be necessary to discuss the merits involved in this question, following the action of repudiation by the House of Representatives in their action in this amendment, and by the Senate committee in reporting this bill, a repudiation of the understanding upon which these Pueblo Indians supported and indorsed the original bill.

I submit it as my judgment that if this proposition had been presented de novo before the Senate Indian Affairs Committee in the form in which it is now before the Senate that committee never would have reported the bill in its present form. If there had been a real investigation into the merits of this controversy, if we had had a full attendance of the committee, in my judgment that committee never would have authorized the report of this bill.

The cry is raised that unless we are willing to accept the House amendment no legislation can be passed at this session of Congress. I do not pretend to be prophet enough to predict as to whether or not that assumption is correct, but until this body has exercised every legislative step to bring justice to these Indians it has not fully discharged its obligation. If we accept the assumption of the Senator from New Mexico that this legislation can not pass without either attempting to amend the House amendment and send it back to the other body, where it will come up on the floor and be discussed on its merits, or else reject the House amendment and demand a conference, we will not have exhausted our legislative remedies and we will not have discharged our full obligation.

Mr. President, the gratuity features in Senate bill 700 as reported from the committee originally were based, in my judgment, upon a recognition of the fact that this 8,346 acres, cultivated since known historical times by these Pueblo Indians, would not receive sufficient benefits under this proposal to justify assessment against them of the large amount of $67.50 an acre, which is proposed in the bill as it now is before us.

I defy any Senator to examine the record of the Senate Indian Affairs Committee upon this measure, or the proceedings before the House Appropriations Committee on it, and find any showing of facts as to the benefits which this 8,346 acres will receive as a result of this bill. As a matter of fact, in so far as those hearings touch upon that question, they show, I think, clearly a recognition of the fact that the Indians are not to receive any such benefit on these 8,346 acres as is provided in this bill.

In that connection I wish to draw attention to the statement which has been previously quoted by Mr. Reed, the engineer in chief for the Indian Bureau on reclamation matters. Appearing before the committee on January 20, 1928, Mr. Reed declared:

> The only relief that the Indians will have, of course, is on the main canal, which will serve not only their lands but the lands below. The distributing system and everything except the main carrying canals will be handled by the Indians.

Further he stated:

> As a physical fact, the Indian system and the white man's system of distribution will be separate except in so far as those lands that have passed from Indian ownership—the lands within the pueblos that have passed from Indian ownership to white men—the title to which is now being worked out by a committee that was appointed for that purpose.

Mr. Reed stated further:

> I do not know of another irrigation system in the United States, and I think I know every one of them, that has physical conditions similar to what we have here. This is a shoe string, with a canal passing down one side. The Indian lands take-out would be project expense. But the moment the water leaves the take-out it is on Indian land, and would not be subject to white use excepting on the lands that I have described as having passed out of Indian ownership.

He stated further, on page 22:

> These Indians have had a system that has served their purpose, perhaps to them satisfactorily, but not scientifically. They still think that they can go on and exist and perhaps prosper under the same conditions. The lands that have become waterlogged have become so not from acts of the Indians but as the result of civilization.

The other day, when the Senator from New Mexico had the floor, I referred to a statement of Mr. Burkholder, the engineer for the conservancy district, in his appearance before the House Appropriations Committee on the Interior Department appropriation bill for 1929. These are the only statements which I have been able to find concerning this question of the controversy over how much the 8,346 acres are to be benefited. The Senator from New Mexico on yesterday maintained that they would receive a benefit amounting to $67.50 per acre, but I submit that he did not furnish to the Senate any definite, detailed statement as to what that benefit would consist of, even though he was pressed to do so by my colleague.

Three of the maps which I have been able to obtain concerning these pueblos make an interesting showing. I am sorry that I have not had an opportunity to prepare them in sufficient size so that they could be used here in the Chamber, because I think a physical picture of exactly the situation that exists there would be of help to the Senate in arriving at a conclusion.

In connection with the statement concerning the 8,346 acres now under cultivation by the Indians, and which have been under cultivation for at least 300 years, I desire to bring to the attention of the Senate a report made by the Pueblo Lands Board, created under authority of the Pueblo lands act of 1924. That board consists of a chairman, appointed by the President of the United States, a member appointed by the Attorney General, and a member appointed to represent the Secretary of the Interior. This report deals with the Santo Domingo pueblo. The board states:

The two main bodies of cultivated Indian lands, a part of this 8,346 acres under discussion, lie in the vicinity of the pueblo west of the Rio Grande and directly opposite the pueblo on the river's right bank. Much of the lands that the Indians irrigate and farm is of the very best quality, rich alluvial soil, with just sufficient mixture of sand to prevent its baking. Some of the land is too sandy. Some of it would be benefited by drainage, but on the whole—

I direct the attention of the Senate to this language—

But on the whole the land they cultivate is better in quality and in much better present condition as to drainage than most of the agricultural lands in the valley between White Rock Canyon and San Marcial, whether Indian or non-Indian. Generally these Indians cultivate their land as well or better than most of the non-Indian landholders in the valley.

One other point from this report:

There is ample water ordinarily for the cultivation of all the Indian and non-Indian land now cultivated within this grant. It is probable that an effective reorganization of all the irrigation and drainage systems of the Middle Rio Grande Valley, which includes this and several other pueblo areas, if accompanied with effective provisions for flood control, will enhance the effectiveness and productivity of the land within the Santo Domingo pueblo already cultivated and also enable the irrigation of some additional land. The Indians themselves, however, if they are to be charged with any appreciable burden of such improvement, could not well stand such burden. It should always be borne in mind that their rights to the water for the irrigation of the lands they have cultivated can not be interfered with.

Mr. President, there is much said in behalf of the bill because it is alleged to confirm the rights of the Indians to water. A little later in my remarks I shall demonstrate that that means absolutely nothing to the Indians. Their rights to the water are absolutely and amply protected and can not be taken from them except by act of Congress.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. LA FOLLETTE. I yield.

Mr. COPELAND. As a matter of fact, have not these lands been cultivated by the Indians for many hundreds of years?

Mr. LA FOLLETTE. Much is made of a statement by Mr. Pearce Rodey, attorney for the Rio Grande conservancy district, in which he said, and I think I quote him correctly or substantially correctly at least, that it has been said that 23,000 or 25,000 acres were cultivated in prehistoric times. The Assistant Commissioner of Indian Affairs picked up that statement and reiterated it without support before the Committee on Indian Affairs of the Senate. But so far as history tells us the lands have been cultivated for more than 300 years by these Indians through their own initiative and through their own system of irrigation which they themselves constructed.

Mr. COPELAND. Then there is no doubt about the rights of the Indians to the water powers and the irrigation ditches?

Mr. LA FOLLETTE. There is no question about it. There is in controversy now some land which the Indians claimed had been taken away from them before the year 1910 by the whites, but in so far as their rights to the 8,346 acres and to the water are concerned, there is no question that they are absolutely in full possession of them, and they can not be diminished or set aside except by a plenary act of Congress.

Mr. COPELAND. If the Senator will bear with me a moment, I have not had the pleasure of hearing everything the Senator said. I trust he will address himself at some time to the question of whether the cultivated lands will actually be benefited.

Mr. LA FOLLETTE. I have been addressing myself to that question, and I have given such information as I could find from a perusal of the hearings. I went into that subject before the Senator entered the Chamber. I desire to say, however, and I think perhaps it would be of interest to the Senator from New York, that Dr. W. J. Spillman, of the Department of Agriculture, a recognized agricultural expert and economist, was one of those who formed the committee of investigation of Indian matters which has been working with the Department of the Interior. In connection with that work he made a visit to the Middle Rio Grande district and made a general survey of conditions there. I desire to call the attention of the Senator from New York to his statement as quoted by the senior Senator from North Dakota [Mr. FRAZIER] before the committee. It appears on page 60 of the hearings:

I think that if the original principles involved in the bill—

That is, the bill S. 700 as reported from the committee, and not the bill in its present form—

are not adhered to, it ought not to be passed. Unless the original principles can be adhered to, I would oppose this bill as a vicious piece of legislation. It would mean that the Indians could not possibly pay for it. Anyone with experience in irrigation matters knows that the white man could not pay for it. If they want to put the Indians in a position to redeem themselves and make them civilized, they can never do it in this way, as it is entirely unjust to the Indians.

Mr. COPELAND. Mr. President, if the Senator will yield a moment further, it has seemed to me that the only possible justification for putting such an enormous debt upon the raw lands of the Indians would be a material benefit to the cultivated lands.

Mr. LA FOLLETTE. No such benefit has been shown. Let me recall to the mind of the Senator from New York that when the bill S. 700 was first introduced it had the indorsement of the Bureau of Indian Affairs, Department of the Interior, and was indorsed by the Pueblo Indians themselves after most careful consideration. That bill contained a gratuity feature so far as the 8,346 acres of land were concerned, and it was upon that consideration, and that consideration alone, that the consent of the Indians to the passage of the bill was obtained. Now, we are confronted with a situation where the bill has been fundamentally and radically changed, and yet there is no showing made as to the benefits which would accrue to the 8,346 acres of land except the general statement made by the Senator from New Mexico [Mr. BRATTON] that in his opinion they would be benefited to the extent of $150 per acre.

Mr. COPELAND. Mr. President, will the Senator yield again at that point?

Mr. LA FOLLETTE. I yield.

Mr. COPELAND. As I understand it, there really is added to the mortgage on the raw land about $500,000, which is put there on the theory that a large improvement is made to the cultivated lands.

Mr. LA FOLLETTE. The Senator is correct in that statement.

Mr. COPELAND. That means that there is placed upon the raw lands a mortgage——

Mr. LA FOLLETTE. A debt.

Mr. COPELAND. A debt which, as I view it, could never be met.

Mr. LA FOLLETTE. A debt of $109 an acre.

Mr. COPELAND. In my section of the country if a farm were mortgaged for $109 an acre, it would be lost to the owner; so I take it that these raw lands are practically lost if this great burden is placed upon them. Does the Senator take that same view?

Mr. LA FOLLETTE. I am apprehensive, if the bill passes in its present form, unamended, that so far as the 15,000 acres are concerned they will ultimately pass from Indian ownership.

Mr. COPELAND. Certainly the Indians can never pay the enormous debt which is proposed to be placed upon them.

Mr. LA FOLLETTE. Not granting the justice of burdening these acres to that extent, I believe that the Indians could pay out if they were given a long period in which to do it and ample protection specified in the bill. But under the terms of the bill the Secretary of the Interior will fix the rate at which the Indians are to repay.

Mr. BRATTON. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New Mexico?

Mr. LA FOLLETTE. I am glad to yield.

Mr. BRATTON. I disclaim any intention to interfere with the Senator while he is making his address, but let me remind him and also the Senator from New York of the fact that as long as the Indians own this land the lien is not foreclosable and that the Government can not take more than the proceeds of the leases upon the raw lands. How can the Indians be harmed if the legislation relieves them of what has been characterized as an intolerable condition gradually creeping upon them, which will drive them out of the valley and which will compel them to sever their tribal relations and go elsewhere, a thing that is of supreme importance to them?

Instead of their being confronted in the future with the condition that their land will become water-logged and alkali,

and instead of their little villages being moved, under the terms of the bill their present 8,300 acres will be reclaimed in a modern way. Instead of irrigating it in a crude fashion they will irrigate it and cultivate it in a modern way.

The value of the land will be increased from its present value of approximately $25 an acre to from $150 to $200 per acre. In addition the yield upon that acreage will be increased perhaps fourfold. That is the thing that will occur to the present 8,300 acres, with the added fact that their water rights, which are now uncertain, undetermined, and unadjudicated, will become certain, determined, and adjudicated, and given a priority over any other rights in the district, as well as security against loss by abandonment or nonuse. That is the change that will occur as to the 8,300 acres.

Then as to the 15,000 acres, which is absolutely worthless to the Indians now, it is proposed to take that land and reclaim it at Government expense and make it worth a great deal of money, from $150 to $200 per acre. Under the amendment proposed by the Senator from Kansas [Mr. CURTIS], which I have accepted, the Indians will be entitled to use 4,000 acres without compensating the Government in any wise, so that they will be using the 12,000 acres of irrigated land with a modern system of reclamation. Then the Government takes the proceeds of the leases and applies them to reimbursing the Treasury, and that is all the Government gets as long as the Indians own the land, be it 50 years or 100 years or 200 years.

If any injustice or hardship shall be worked under this bill, it will be upon the Treasury of the United States and not upon the Indians. I desire to put these facts clearly in the RECORD to demonstrate that the argument of the Senator from Wisconsin [Mr. LA FOLLETTE] is based upon a misconception of the situation as it now exists, for he overlooks the fact that these Indians can not continue to live in that valley; they will be driven out, and the whites likewise will suffer the same fate.

Mr. COPELAND. Mr. President, they will be driven out by reason of the water-logging of the land and the alkalinity of the soil?

Mr. BRATTON. They will be driven out, as the Senator suggests, by the water-logging and the alkalinity of the soil. The water line is gradually rising.

The Senator from Wisconsin has stated that nobody has shown how the present acreage will be benefited. I said yesterday, and I want to repeat now—and then I am not going to interrupt the Senator any further——

Mr. LA FOLLETTE. I do not want the Senator to feel under any compunction about interrupting me; I am very glad to have him do so, because he was very kind to me when he was discussing the matter.

Mr. BRATTON. As to the benefit that will be derived by the 8,300 acres, I pointed out yesterday that the Indian Bureau has acted in conjunction with the district for more than a year now in developing this plan. We appropriated $50,000 in order that the Indian Bureau might cooperate with the district and might follow this plan as it was developed. The Indian Bureau has done that through its staff of engineers; its chief engineer is a member of the consulting board; so that the guardian of the Indians has kept in touch with this plan as it has developed. The Bureau of Indian Affairs has stamped its approval upon the project in so far as the improvement of Indian conditions is concerned. It has never departed from the course and never doubted its wisdom.

Moreover, the staff of engineers in the district and the consulting board of the district, composed of some of the most eminent engineers of the country, have stated that it will be an improvement, that it is being developed along proper and conservative lines, and that it should be encouraged.

Mr. President, I repeat that this bill, although different from what was contemplated at the outset, is not unjust to the Indians; it is not harsh upon the Indians. If it were, I would be the last one to stand here and defend it. I believe I know as much about the conditions there as does the Senator from Wisconsin; I believe my colleague [Mr. CUTTING] knows as much about conditions there as does the Senator from Wisconsin; I believe the Representative of New Mexico in the Chamber at the other end of the Capitol knows as much about conditions there as does the Senator from Wisconsin; I believe the governor of the State, who has sent an urgent telegram here indorsing the bill in its present form, and who is familiar with conditions, knows more about the conditions than do those who are opposing the bill.

The opposition to this legislation does not spring from the Indian Bureau; it does not spring from those who represent the State; but it springs from the secretary of the Indian Defense Society.

Mr. LA FOLLETTE. Mr. President, the Senator from New Mexico raises the cry that is always raised here when matters of this kind are in controversy. If through all the history of Indian legislation the arguments and wishes of Senators and Members of the other House representing the States in which Indian lands and Indian property are situated had been accepted by this body, a much blacker record so far as the Indians are concerned would have been written than has been written.

I stated at the outset that it was not a pleasant task for me to rise on the floor and oppose a measure supported by the two Senators from New Mexico, but I am convinced that an injustice is being proposed, that a violation of an agreement or a substantial agreement between the Indian tribes and the conservancy district is about to be committed if this measure shall be enacted into law in its present form.

Mr. President, the Senator from New Mexico thinks that the only lien which can be enforced so long as the Indians own this land is that against the proceeds from the land, but if the entire yearly proceeds shall be taken under the reimbursable feature of the proposed act, as they may be taken, of course the interest of the Indians and their desire to retain ownership in this land will have passed; they would not be tempted to go onto this land to farm it, and then at the end of the year have the proceeds taken from them and turned over under the reimbursable features of this measure. That, Mr. President, is my reason for stating that I am apprehensive if this bill shall pass in its present form that ultimately the 15,000 acres or a large portion of that acreage will pass from Indian ownership into the ownership of the whites.

Much has been said on the floor about the diminution of Indian lands and it has been charged that that was due through the years to the encroachment of water upon those lands. As a matter of fact, I think I shall be able to show that the encroachment and resulting lessening of Indian lands occurred between about 1870 and 1910.

Mr. President, in my judgment, such loss of land as the Indians have sustained during their occupancy has been largely due not to water-logging but to the encroachment of the whites upon Indian property. That has resulted in a controversy. Finally Congress enacted the Pueblo lands act in 1924 in order to settle that controversy and to establish procedure whereby the controversy between the Indians and those whites who, the Indians claimed, had encroached upon their lands could be adjudicated. I call attention to the fact that the adjudications with regard to the Santo Domingo pueblo, which, by the way, is within this conservancy district, have just been completed. There were contested about 641.8 acres, to which the Pueblos held title but which were occupied by the whites. Of that area, 550.71 acres were decreed to the whites and 91.9 acres to the Indians. That is an example, Mr. President, of how some, at least, of this loss of acreage on the part of the Indians has taken place.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LA FOLLETTE. Will the Senator from Utah permit me to complete the statement?

Mr. KING. Certainly.

Mr. LA FOLLETTE. I desire to direct the attention of the Senate to certain figures, which I take from hearings, concerning the question of the diminishing Indian acreage. I direct attention to the statement on page 350 of the hearings of 1923 on House bill 13452 of that session of Congress. The Assistant Commissioner of Indian Affairs furnished a table showing the Indian acres which the six tribes located in this conservancy district had under cultivation. According to his figures, the area was 4,841 acres. In 1927, according to the statement made on page 360 of the hearings before the House Appropriations Committee, there were 7,513 acres, which, I think, demonstrates the fact that these Indians have not been losing their land as a result of water-logging to any great extent. Doctor Spillman informed me that these Indians as a result of experience through all the years had selected their lands on the higher areas and expressed the opinion that if there was any danger from water-logging it was the result of the advance of civilization and not of faulty irrigation on the part of the Indians.

Mr. CUTTING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New Mexico?

Mr. LA FOLLETTE. I yield to the Senator.

Mr. CUTTING. I did not hear the Senator when he began his last statement. From whom did he get that information?

Mr. LA FOLLETTE. I obtained the information from Dr. W. J. Spillman, of the Department of Agriculture, a recognized authority on agricultural problems and an economist of note, who visited this area in connection with the investigation which he was making for the Department of the Interior.

Mr. CUTTING. May I ask the Senator whether Doctor Spillman is an authority on the history of New Mexico?

Mr. LA FOLLETTE. Mr. President, I did not ask the doctor about that; but I assume, as he is a scientific man, that he made a careful and impartial investigation.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. FRAZIER. I should like to say, in regard to that, that for a number of years Doctor Spillman has made a special study of irrigation projects under the Department of Agriculture all over the country; and I think he is probably as well posted on irrigation projects as anyone connected with the Agricultural Department.

Mr. CUTTING. It was merely the historical statement that I questioned.

Mr. LA FOLLETTE. Mr. President, it is asserted here over and over again that if this project goes through, these 8,346 *acres will be* benefited fourfold. I submit that the fact which is in the record that 3,500 Indians are now living on this area, and therefore that each 2½ acres supports an Indian, is sufficient contravention of the suppositious statement that the benefit to these 8,346 acres will be fourfold in character.

Also, Mr. President, it is reiterated over and over again, as a justification for what is being done in this bill with regard to the 8,346 acres, that the value of this land is to be enormously enhanced. The Senator from New Mexico talks about figures of $150 to $200 an acre. I do not know why he stops at $200. Why did he not go on? In that connection, however, I want to submit for the attention of the Senate and for the RECORD a statement contained in a publication entitled "Department of the Interior, United States Reclamation Service, in cooperation with the State of New Mexico. Reports and recommendations for the reclamation of the Middle Rio Grande Valley of New Mexico, 1924." Vernon L. Sullivan was the consulting engineer. Here is what he has to say concerning valuation:

> Present valley land valuations under existing uncertain conditions are about $100 for first-class irrigated land; $50 per acre for second-class irrigated land; $17.50 for alkali and salt grass land; $12.50 for swamp or submerged land; $17 for timberland; and river-bed areas, nothing.
>
> These lands, when drained, the alkali content is easily removed by leaching or irrigating, and when properly reclaimed their valuations would average far above $100 per acre over and above any reclamation costs that might be necessary to provide funds for the reclamation of the valley.

I also desire to read briefly from a table appearing on page 14 of that report, in which he says:

> Before reclamation—
>
> In figuring up the total valuations—
>
> First-class acres at $100 per acre.
>
> After reclamation—

I assume he refers to first-class acres—

> $100 per acre.

Mr. President, it is admitted that under the terms of this bill as now drawn the 15,000 acres to be newly reclaimed will bear a reimbursable debt of $109 per acre. Senators in this Chamber who come from regions of the country where irrigation projects are in progress know better than I do that that is an excessive charge per acre to lay against any reclamation project. As stated by Doctor Spillman, a white farmer could not carry that load, let alone an Indian farmer.

Mr. KING. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from Utah.

Mr. KING. I ask for information. If the amendment of the Senator from Kansas [Mr. CURTIS] is accepted, which withdraws 4,000 acres from the 15,000 and renders it immune from payment, would not the burden placed upon the residue be much greater than $109 an acre?

Mr. LA FOLLETTE. I have not figured it out for the 4,000 acres; but on the suggestion that there should be 5,000 acres withdrawn, which was made yesterday on the floor, I figured out that the 10,000 acres would bear a burden of approximately $163.44 per acre.

It is not any defense to say that this lien can not be foreclosed, when it is provided that the proceeds from the leases are to be taken to pay this debt. Assuming that 5,000 acres of this newly reclaimed area were given to the Indians for farming purposes, and the other 10,000 acres were to bear a debt of $163.44 per acre from proceeds of leases, does any Senator contend that any Indian would continue to own that land or make an effort to farm it? He might just as well be a peon, because every cent of the proceeds from that land could be taken, under the terms of this bill, for the reimbursement of the charges which are made against the other lands. It comes down to a simple proposition—that in exchange for this area which the Indians are to be given, 10,000 acres, improved and irrigated, will ultimately pass into white ownership.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from Wisconsin yield to the Senator from New Mexico?

Mr. LA FOLLETTE. I yield.

Mr. BRATTON. The point the Senator has just made, in regard to the 4,000 acres——

Mr. LA FOLLETTE. I said "5,000 acres," Mr. President, because I had not made the calculation for 4,000.

Mr. BRATTON. Leaving 10,000 acres to be leased, and the proceeds of the leases to be applied to reimburse the Treasury—with that in mind, the Senator has just made the statement that the remaining 10,000 acres would bear a debt of $163 per acre, and about that he complains.

Mr. LA FOLLETTE. Does the Senator controvert that?

Mr. BRATTON. I want to call the Senator's attention to the fact that his position is to advocate that the Indians not only have a gratuity for the 8,300 acres, but that they must have a gratuity for 12,000 acres, because he waves that aside and complains that the debt is upon the remaining land. He overlooks the fact that the Government is reclaiming 12,000 acres of land and enhancing its value and improving the conditions, as I have endeavored to point out. He waves that aside as though that were not to be considered, and confines his view of the bill to the remaining 10,000 acres of land, and complains because the debt upon it is too heavy, forgetting that the Indians will be using the 12,000 acres in the manner I have indicated.

The pending bill amounts to this, and the Senator can not controvert this, that the total cost of reclaiming the Indian lands shall not exceed $67.50 per acre, and that the total cost of reclaiming white-owned lands is $77 per acre.

Mr. LA FOLLETTE. Seventy-six dollars and twelve cents, is it not?

Mr. BRATTON. Approximately $77, I think. It has been stated as $77. The Indian cost shall never exceed $67.50 per acre; but in figuring the reimbursement the cost is laid against the raw land that is now worthless to the Indians. The Senator can not continue to say, and I am sure he will not continue to say, that the cost is $109 an acre and $163 an acre, when, under the bill, it is not to exceed $67.50 per acre—a remarkably low figure.

Mr. LA FOLLETTE. I shall continue to make that statement, Mr. President, because my contention is that there is no justification for the claim that $67.50 per acre of benefits is to flow to these 8,346 acres of land; and I have argued here in vain if I have not impressed those Senators who gave me their attention on that point.

What this really comes down to is that the proponents of this measure, having been checked in their efforts to secure this bill with the gratuity feature in it covering these 8,346 acres, now contend that a benefit of $67.50 per acre will accrue to these 8,346 acres, because otherwise there would not be a vestige of an argument to justify the passage of this bill in its altered form, and altered, as I have pointed out, after the consent of the Indians had been formally given to its passage with the gratuity feature in it.

In that connection, Mr. President, I want to read a telegram from Sotero Ortiz, who for five and a half years has been president of the council of all the Pueblos involved in this matter. It was addressed to Mr. Collier under date of February 10:

> We Pueblos never would have indorsed the conservancy bill unless we were promised freedom from reimbursable debt in all matters connected with our existing improved lands, because it is a betrayal of faith and ruin to us Pueblos if the reimbursable debt, $1,500,000, placd on newly reclaimed acreage.

Under date of February 12, 1928, Judge R. H. Hanna wired the senior Senator from New Mexico [Mr. BRATTON] as follows:

> Do not feel authorized to waive reservations made by all Pueblo council, and am requesting Collier to take up discussion of these matters with you. Conservancy district, through Robey, in letter to me dated December 1—

Which I have already quoted—

> referring to resolution, says we have conceded practically all that was in the resolution, and also the Indians have really a gratuity under this bill for the present cultivated areas.

I also desire to read into the RECORD in part a telegram addressed to Mr. Collier from Mrs. Mary Austin. She is the

author of numerous books. One of them, The Land of Journey's Ending, is a standard historical and geographical treatise on the history of the Spanish occupation of the Southwest. She is also the author of The Land of Little Rain. I read in part from Mrs. Austin's telegram of February 23:

Urge all friends of Indians to oppose Senate bill 700 until amended to do justice to the Pueblo Indians of Middle Rio Grande Valley. From beginning Indians, through their representatives, sought cooperation and reasonable adjustment. Sudden alteration of bill without consulting Indians' representatives suggests premeditated betrayal, which will be resented by all honest citizens of State as a blot on its good name and an unnecessary destruction of valuable, economic, and cultural asset.

Mr. President, there is one other fact in connection with this situation that I want to draw to the attention of the Senate. In 1926 Mr. Pearce Rodey, attorney for the conservancy district, addressed a letter to Mr. John Collier concerning the cost at which they then thought they could reclaim these Indian acres. He said:

Of course, if it is found that only 15,000 or 20,000 acres of Indian lands can be properly reclaimed, then an appropriation of $600,000 or $800,000 would be sufficient. The chief engineer—

That is, Mr. Burkholder—

says that if it will help the bill at this time it might be wise to cut the appropriation to authorize, say, $700,000.

The attorney for this conservancy district and the engineer in 1926 estimated, respectively, that they could reclaim this Indian land for $35 or $40 per acre. Now, we find that this enormous increase is asked, and I reiterate that there is no showing in the record, either before the Senate Indian Affairs Committee or before the House Appropriations Committee, which justifies the assumption that these 8,346 acres are going to get any such benefit as is claimed by the Senator from New Mexico.

In connection with this debate, Mr. President, much has been made of the fact that the Assistant Commissioner of Indian Affairs, Mr. Meritt, has switched his position and given indorsement to the bill as it is now before the Senate. The Senator from New Mexico directed my attention particularly to Mr. Meritt's statement, which appears on pages 54 and 55 of part 2 of the Senate committee hearings. Mr. Meritt said:

First. The bill before the committee permits an agreement to be entered into between the Secretary of the Interior and officials of the district, and we propose to put in that agreement every provision that is possible for the protection of the Indians.

In answer to that, Mr. President, I submit that the Indian Bureau is indorsing this bill in its present form, and hence the statement of the Assistant Commissioner of Indian Affairs means nothing.

Mr. Meritt continued:

Second. Only lands susceptible of economic irrigation and cultivation within the Indian pueblos can be included under this bill, and the Secretary of the Interior is to determine what lands shall be included, and what lands he shall construe as susceptible of economic irrigation and cultivation. Therefore the district officials can not include any Indian lands within that district that are not subject to economic irrigation and cultivation.

In answer to that suggestion, I think it is clear that its only import is that new lands can not be included, to be paid for by the Government and the district, unless in the Interior Department's judgment they can be drained or irrigated. I see no protection in that statement for the 8,346 acres which form, in my judgment, the principal contention in connection with this bill.

Mr. Meritt said further:

Third. The cost of the improvements to this land is limited to $67.50 per acre over the entire 23,000 acres; $67.50 is not an excessive cost for irrigation.

Mr. President, in answer to that, I desire again to call attention to the statement made by Mr. Rodey, the attorney for the district, and by Mr. Burkholder, the engineer, in 1926, that this land could be reclaimed for approximately $35 to $40 per acre.

Mr. Meritt said:

Fourth. Another benefit the Indians will receive is the provision in the bill that the entire amount, 8,346 acres, has a guaranteed water right. That is a great protection to those Indians. Under the present conditions the Indians have no guaranteed water right on the 8,000 acres. There is no treaty provision with the Pueblo Indians that guarantees them any protection in their water rights. Therefore those Indians will not get the benefit of the decision of the Supreme Court in the Winters case, and for that reason it is a great protection for the Pueblo Indians to have this provision in the bill, and that is one of the provisions we insisted should go into the bill, after visiting the irrigation project.

Fifth. The water rights of the 15,000 acres are recognized in this bill, and they are protected in this bill. That is for the new land. The water rights, old as well as new, shall not be subject to loss because of nonuse or abandonment as long as title shall remain in Indians, pueblos, or individuals. That is another very great protection to the Indians of these pueblos.

Mr. President, it is my information that the laws of the State of New Mexico, including the statutes of limitation and laws of adverse possession, have no effect on Pueblo land grants, which are in no manner subject to the laws of the State of New Mexico. Whatever water rights the newly reclaimed Indian acres possess can not be taken away by any future operation of the New Mexico State laws. No new water rights are given to those acres by the pending bill.

There was at one time a question as to whether the New Mexico Territorial statutes of limitation and adverse possession applied to Pueblo grants, but when New Mexico became a State it renounced all sovereignty over those grants, and since 1912 no State laws have been operative on or affecting the Pueblo land grants.

In other words, Mr. President, the reference to water rights in this bill adds nothing to the water rights which the Indians now have and as to which they are secure in their possession unless they should be taken from them by a plenary act of Congress. The statutes of New Mexico can not apply to this question of water rights.

If there is any necessity to give citations for the contention which I have made, I refer to the enabling act for New Mexico, passed in 1910, and the New Mexico State constitution adopted in 1912. I wish to direct the attention of the Senate to the fact that the constitutionality of the provision to which I have referred was settled by the Supreme Court in 1914 in the so-called Sandoval case.

The sixth of Mr. Meritt's alleged benefits to the Indians under this bill is as follows:

Sixth. The 8,346 acres shall not be subject by the district to any pro rata share of any future operation and maintenance or betterment work performed by the district.

That is another very great protection to those Indians. In all future years they will not be called upon to pay any operation and maintenance cost for the irrigation of lands within the pueblos now protected, which amounts to 8,346 acres.

Mr. President, that is merely a statement of the fact that the Indians can keep what they already have.

Mr. Meritt said next:

Seventh. The reimbursement shall be made out of rentals of newly reclaimed lands. In other words, the Indians occupying the 8,346 acres will not be called upon to pay out of the proceeds from their cultivated lands any of the reimbursable charges for the improvements. The reimbursable charges will be taken out of the rentals of the newly reclaimed lands.

That, of course, is a reiteration of the argument made by the Senator from New Mexico, and which I have endeavored to-day to controvert, namely, that these 8,346 acres will not receive the substantial benefit which it is claimed by the Senator from New Mexico they will receive, and which is the only justification upon which this bill in its present terms could possibly be supported in this body.

Mr. Meritt said, eighth:

There will be no lien upon the 8,346 acres for improvements or betterments.

That, Mr. President, falls in the same category as his statement No. 7. He said, ninth:

Ninth. Liens on the newly reclaimed land shall not be enforced during the period that the title shall remain in pueblos or in individual Indian ownership.

That is another protection to the Indians, because in ordinary legislation that provision does not obtain.

Mr. President, I submit, in response to that contention, the fact that the reimbursement is to come from the lands while in Indian ownership from the proceeds of leases; that is, from the agricultural yield of the land.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate Joint Resolution 46.

Mr. CURTIS. I understand that the Senator from Nebraska, who is in charge of the unfinished business, is unable to proceed with it this afternoon. I therefore ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BRATTON. I ask unanimous consent that the Senate may continue the consideration of Senate bill 700.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico? The Chair hears none, and the Senator from Wisconsin will proceed.

Mr. LA FOLLETTE. Mr. President, in the second place, in response to the ninth item which the Assistant Commissioner of Indian Affairs lists as one of the reasons for supporting the bill, I should like to say that no lien, so far as I know, has ever been enforced against Indian lands under debt to the extent of alienating the ownership of the land from the Indians, and no steps could be taken under existing law.

The *reimbursable* liens generally are exactly like the land lien in the present bill, and repayment comes from sale of the land after the death of the Indian owner or from the proceeds of oil, timber, and so forth. In other words, it seems to me that the ninth argument the assistant commissioner advances, like some of the others, means nothing.

His next reason is as follows:

> The department shall be recognized in all matters pertaining to the operation of the district in the ratio that the Indian lands bear to the total acreage of lands within the district. We will have a voice in the management of that conservancy district, and we can at any time have absolute control of conditions within the pueblos involved in this conservancy district.

The Assistant Commissioner of Indian Affairs favors the bill in the form in which it is now presented to the Senate, and I for one find little consolation in so far as the Indians are concerned in that statement.

Eleventh, said Mr. Meritt:

> Indian lands are not taxable as long as held by Indians. Under the terms of this bill they will not be required to pay any taxes as long as they own the lands, and they are in Indian ownership, either individual or tribal.

There is nothing in the bill about taxation. The lands do not pay any taxes now any more than any other lands held in trust for the Indians are paying taxes. So that statement means nothing.

> Twelfth. Indians are not required to pay any interest on moneys advanced by the Government. Under the terms of this bill they will not be required to pay interest for the loan of this money, even if it is not returned to the Government within 100 years.

So far as I know, no reimbursable loans to any Indians have ever been required to pay interest to the Government, and so, of course, in so far as this defense in support of the bill is concerned, it falls to the ground.

> Thirteenth. The Indians will get a very great benefit by reason of flood protection under the terms of this bill. That land is subject to flood, and property there has been destroyed because of floods, but under the terms of this bill the Indians will get the benefit of flood protection.

The statement made by Mr. Meritt concerning flood protection to these Indians is not supported in the hearing. No showing was ever made as to any considerable damage the Indians have ever suffered as the result of floods. Of course, the Indians at any time of high water occasionally have their ditches washed out, but they are repaired and have been repaired for 300 years by the Indians themselves on the ditches or laterals. So that to say that now they are in a position where they have to have immediate flood control and relief is absurd. As a matter of fact, I am informed that in 1921, a year of high water, when the town of Pueblo was flooded, none of the Indian land in controversy was damaged by flood. A few low main river bridges were washed out, but in so far as the contention is advanced that the Indians are in immediate need of flood control the statement of the commissioner is not supported by the facts. Certainly it is not supported by any showing in the record.

Let me say in passing that there are interests in New Mexico that do want flood control, but they are not the Indians. The urban centers in New Mexico are very anxious for flood control and flood prevention, which may result from the bill. It is not the Indians who are asking for flood control. It is the urban communities of New Mexico which are interested. When they could not get this gratuity of half a million dollars or more against the 8,346 acres of land they were so anxious for flood control—and I refer to the white urban centers in New Mexico—that they now take the position that it is perfectly justifiable to charge the Indians with the debt in order that they may get it at once.

Let me repeat what I said at the outset, that this body of the Congress will not have discharged its obligation in this matter, in view of the controversy which has arisen, until it has exhausted every legislative step which can properly be taken in the matter. I say that it has not exhausted those legislative steps merely because an amendment is put on a bill in the House and we are then informed that the legislation can not pass. It is argued that we must accept the House amendment without either amending the House text and thus sending back to the floor of the House where it would come up on its merits, or else rejecting the House amendment and asking for a conference with the House. In my judgment, it is absurd for Senators to say that until we have taken those steps and find ourselves in absolute and utter disagreement with the House, such legislation can not be enacted.

Now to go on with Mr. Meritt's alleged arguments in favor of the bill:

> Fourteenth. I want to emphasize that the Indians will also receive a very much increased value for their property by reason of the terms of this bill. It will cost the Government $67.50 to irrigate this land, but the Indians will have property, after it is irrigated, estimated to be worth anywhere from $150 to $200 an acre.

I have already submitted the statement, particularly that made by Mr. Vernon Sullivan, the consulting engineer, that land in this valley will be worth approximately $100 an acre, and, at the outside, $150 an acre, even after all the work that is contemplated in the bill shall have been undertaken.

> Fifteenth. The Indians, under the terms of this bill, will not be required to pay any of the irrigation charges so far as the 8,356 acres are concerned out of their products, but the white lessees will pay practically all of the reimbursable charges that are enforced under the terms of this bill.

Mr. President, upon what theory could the Assistant Commissioner of Indian Affairs make that statement? The only theory, as I see it, upon which he could have made that statement is that some of this land is going to pass into white ownership; because, so far as the terms of this bill are concerned, the white lessees will not pay one cent of the reimbursable debt on the Indian lands. They will pay a rental as high, and no higher, than the rental they would have to pay on the 80,000 acres of land owned by the whites that are to be reclaimed. This bill provides that the reimbursement shall come from the proceeds of leases. That means that it will come from the moneys received by the Indian owners of land from the leases, and as I have previously pointed out, if these newly reclaimed acres shall be shouldered with this enormous burden there will be no motive for the Indians to retain their ownership, because all of their proceeds may be taken under the reimbursable provisions of the bill. So much for the argument made by this alleged guardian of these Indians on behalf of this indefensible bill.

Mr. President, the issue raised here is an important issue. It comes up again and again in legislation where the whites have interests and the Indians have interests which are in conflict. I had believed that during recent years the attitude of Congress had changed; that there was a recognition of the long line of injustices which have been perpetrated against the Indians by legislation through the years of the history of this Government. It had seemed to me that the attitude, especially of this body, had changed; that we had reached a point where a majority of the Senate would look upon these questions in conflict between the Indians and the whites with an impartial eye, would weigh all the evidence, and come to a just determination; but it seems, Mr. President, that perhaps that is not to be the case in so far as this bill is concerned.

Much work has been done on both sides of this Chamber to line up Senators for the bill. That has been accomplished by ex parte statements. Perhaps the votes have been gathered in to "put across" this injustice to the 3,500 Pueblo Indians—peaceful, civilized Indians—who over the years of written history have never waged warfare against the United States. They are a simple, agricultural folk. Under the laws of New Mexico they are disfranchised. They can make no protest at the ballot box for what may be done here in their name.

Mr. President, if this can be done, if such an injustice may be perpetrated in the name of the Indians, then this Chamber has about-faced, and we must prepare to wage continued battles against the encroachment of the white interests upon the interests of the Indians, as was the case when my illustrious father came to this Chamber in 1906. Single-handed and alone he fought time after time against legislation which contained contemplated injustices against the Indians. As a result of that contest which he waged here year in and year out, I think he impressed his point of view with regard to

the Indians upon the Members of this body. But now we are confronted with a situation where an agreement with these Indian tribes is about to be violated without their consent, a committee of this Chamber, by a majority vote of one, having been induced to report out this breaching of that understanding.

Mr. President, we are now told that the votes have been gathered in to perpetrate and consummate this injustice. If that be true, and if the roll call shall demonstrate that fact, then in a few years we shall be called upon to pass remedial legislation to undo this injustice which is contemplated with regard to these Indians.

Now let me say a few words with regard to the amendment which I have offered to the amendment which has been proposed by the senior Senator from Kansas [Mr. CURTIS]. The proviso on page 3 of the House amendment reads:

Provided, That such reimbursement shall be made only from proceeds of leases from the newly reclaimed Pueblo lands. * * *

At that point in the proviso the amendment the Senator from Kansas proposes to add the words:

except such part thereof as the Indians shall themselves farm.

The Senator from Kansas has accepted an amendment offered by the Senator from New Mexico [Mr. BRATTON], adding the words at the end of his amendment, "not to exceed 4,000 acres." So not more than 4,000 acres of this newly reclaimed land will be subject to the exemption.

My amendment provides:

but no collection for reimbursement from proceeds of leases of any Indian acres shall exceed in annual amount the payment made annually by white acres of like character toward the amortizing of the share of said white acres in the indebtedness of the Middle Rio Grande conservancy district.

The purpose of the amendment which I have offered—I have only offered it because in the extremity of the situation it appears that perhaps it is all we may obtain—is to permit the Indian owners to repay out of the 11,000 acres which they may have under lease no more rapidly than the white owners of land of like character shall pay. The result of the pending legislation, if enacted, will be to burden the 11,000 acres with an enormous debt, but if my amendment shall prevail it will permit the repayment of that debt over such a long period of years that it will protect the Indians against an exorbitant rate of collection.

I had hoped that we could reach a compromise upon this question, but the Senator from New Mexico has served notice that he will resist my amendment. I desire once more to say that I would not have offered the amendment except for the fact that the Senator from Kansas has offered his amendment. In my judgment, this bill should have been amended in such manner as to conform in general terms with the provisions of Senate bill 700 when it was reported unanimously from the committee and unanimously passed the Senate.

I hope, Mr. President, that the amendment which I have offered to the amendment of the Senator from Kansas may prevail.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment proposed by the Senator from Kansas [Mr. CURTIS].

Mr. FRAZIER. Mr. President, it seems almost useless to discuss this measure further. There are only a few Senators on the floor, and apparently those who are not here have made up their minds on the question; at least, that would seem to be the case. There is a great deal of interest being taken in the measure, however; and, of course, the record which is made may be of some value in future cases that may arise concerning the Indians.

The Senator from Wisconsin has gone into the question very fully, and has, I think, given a very fair interpretation of the whole measure. One statement that he made near the close of his remarks rather interested me and that was that the Indians of New Mexico could not vote under the constitution of that State.

Mr. CUTTING. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Mexico?

Mr. FRAZIER. I yield.

Mr. CUTTING. I will say for the information of the Senator that the statement made by the Senator from Wisconsin to which he has just referred is not entirely correct. The Pueblo Indians of New Mexico have the same rights which they had under the Mexican Government and which were guaranteed to them by the treaty of Guadalupe Hidalgo and by the enabling act, namely, that they may vote if they pay taxes. That is the legal status of the Indians of New Mexico to-day.

Mr. FRAZIER. In other words, if the Indians of New Mexico do not pay taxes they can not vote; and, of course, the Indians who are on these allotments or reservations under the protection of the Government do not pay taxes, and therefore do not vote.

It seems to be the attitude of some people that the Indians do not amount to much; that they have no rights to be considered. They have been crowded back out of the way to make way for civilization, and some people in the past and some people still seem to feel that the Indians should be further crowded out of the way to give the best of their lands to the white people, who might cultivate them and make better use of them, in a way, than the Indians are making.

In the past, treaties have been made with the Indians by the United States Government. In many instances those treaties have unquestionably been violated. There have been times in the history of Indian legislation when, after treaties have been made solemnly pledging the Government of the United States to carry out the provisions of those treaties with the Indians, Members of one House or the other of Congress would introduce a measure which seemed to be in violation of the treaty. The Members would state that they knew the case; they knew what the situation was; they knew what was needed. They may have been perfectly sincere in their statements; but many times those bills have been forced through both Houses of Congress and have proved afterwards to be violations of the treaty that had been made with the Indians; and many cases are now pending in the courts, especially in the Court of Claims, growing out of the apparent violations of treaties.

In every session of the Congress since I have been here the Indians and their representatives have come before the Indian Affairs Committee and asked for the privilege of going into the Court of Claims to establish claims against the United States Government for violation of treaties, and many of those requests have been granted; and there are many cases now pending in the Court of Claims of the United States to test out the violation or the claimed violation of those treaties.

Two or three years ago I was on a subcommittee of the Indian Affairs Committee that went to Minnesota to investigate Chippewa Indian affairs in that State. Some of those Indians, it is true, spoke through interpreters, but, nevertheless, they seemed to be mighty well informed and to know what they were talking about. Those Indians told what their treaties had been and how they had been violated, some of them violated by act of Congress here, by measures put through Congress by Representatives from the State of Minnesota, to the detriment of those Indians. The result of the investigation was that the committee recommended the passage of a measure to give the Chippewa Indians of Minnesota the right to go before the Court of Claims and establish their claims there against the Government of the United States. The bill was passed in the Senate. It went over to the House and was referred to the Committee on Indian Affairs over there. That committee changed the measure considerably, and it came back here amended so that the attorneys for the Chippewa Indians claimed that it would be useless. It was referred back to the Committee on Indian Affairs here, and we put up a fight, and the bill was put back in its original form, and finally passed; and the Chippewa Indians, through their attorneys, have cases filed in the Court of Claims to establish their rights.

I might go on almost indefinitely and cite cases where the Indians have been defrauded.

Since I have been in Congress a Member of the Senate from one of the Southwestern States introduced a bill here, and it was indorsed by the Indian Bureau, too, as I recall. It was found that that bill, if passed, would wipe out the rights of a lot of Indians in that State; it would wipe out the title to their lands. Of course, that Senator said that he knew all about the situation, because he was there, and represented those Indians, and he had been over the ground, and knew all about it. The bill was finally defeated, or at least that part of it, and it was amended so as to make it quite a fair bill, I understand; but I mention that to show you that sometimes even the representatives of the State which proposed legislation is to affect, either through misinformation or something else, have not known what the situation is.

Last spring it was my privilege to visit some of the Southwestern States of this country and to visit several Indian reservations there. I went across a bridge out in one of those Western States for which the Congress appropriated some $300,000, and made it a reimbursable charge to the Indians. It was on the Pima Reservation. It was a very fine bridge. It originally had electric lights on it. It was out about 15 miles from any town, as I recall, but on a public highway; and, of course, a bridge was needed there for this highway between two of the large cities of that State; and the bridge was very finely

equipped. There had been electric-light fixtures on it, and all that. They had been taken off, but it was evident that there had been electric-light fixtures there. That bridge is near the end of the reservation. The Indians, in going to the town where they do their trading have a fording place that they use almost all the year around, as I understand; but at times the water is too high, and perhaps they come around on the bridge. But the main use of the bridge was for the white tourists and white settlers who travel there, and not for the Indians, and yet its cost was made a reimbursable charge against the Indians.

On the Pima Reservation, which is the home of one of the so-called peace tribes of Indians, there were old irrigation ditches, or what seemed to be irrigation ditches, that those Indians had used years and years ago. In fact, in some places there were trees a foot or more in diameter growing in those old ditches that the Indians had used. Back as far as the Civil War time the Indians of the Pima Reservation produced a lot of wheat and furnished it to the United States Government, which needed it at that time, and they did it through the irrigating project on their own land. You may ask why the Pima Indians are not using those irrigation ditches now. I will tell you—because a Government irrigation project was put through up above them on the river, and the water was all taken for the white settlers, and the Indians were left without any water to irrigate their lands; and so they are dry farming now, except in the few places where they can get water from deep wells to irrigate.

It is claimed that the Coolidge Dam, which is now under construction out there, will take care of those Indians. I hope it will, but there is a little doubt in my mind yet whether they will be taken care of under the proposed project.

There are many instances of that kind. Why, I recall, since I have been a Member of the Senate, that a bill was passed through the House in regard to the Indians out in one of the Southwestern States. It came here, and a Member of the Senate from that State reported the measure from the Indian Affairs Committee for passage here; and when it was explained to him what the bill really meant, he got up here on the floor of the Senate and fought that bill to the last ditch.

The bill now under discussion is not a new proposition at all. It has been under consideration for several years, and I can not understand why there is all this rush about getting it through at this time. It is said that if we do not agree to the present amendment of the House the bill will fail to pass, and it will be a great detriment to the Indians and to the whites down there in New Mexico. The Indians have lived there for some 300 years that we know of, and in all probability they lived there for hundreds of years before the white people knew anything about them, and the chances are that they could continue to live there for a long time to come even if this project should not go through.

Back in the last Congress, on April 19, 1926, a bill was introduced in both the House and the Senate for practically the same measure. An interesting thing, however, is that that bill only asked for an appropriation of $1,200,000 for the Indian lands; and it was stated that the work could be done for even less than that if necessary. Engineers who had made two surveys of that project stated that the work could be done for even less than the $1,200,000—probably for seven or eight hundred thousand dollars if necessary. Then the present bill was introduced in both the House and the Senate at the beginning of this session. The original bill, as it was introduced at this session, authorized an appropriation of $1,752,000 plus. Then there was a conference between the engineers and the representatives of the conservancy district of New Mexico and the Indian Bureau, and the authorized appropriation was cut down to $1,593,000; and that is the way it now stands. It seems just a little strange that there is such a difference in the amount of the appropriations that have been asked for.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. FRAZIER. I am glad to yield.

Mr. BRATTON. I do not want to interrupt the Senator, but I do not want him, without knowledge of the facts, to leave the Senate under a misapprehension of the facts.

The figures stated in the bill introduced in April, 1926, were made nearly two years ago, before the survey of this project had advanced practically at all, and before the engineers had any comprehensive data comparable with the data they have to-day. That accounts for the variance between the figures in that bill and the figures in the bill to-day.

As to the figure in the bill we are now discussing being reduced from $1,700,000 plus to $1,593,000 plus in the figure originally found in the bill 10 per cent was allowed for contingencies—a thing that is very common in construction of this and other kindred kinds. In discussing the matter with the bureau and before the committees it was decided to remove the allowance of 10 per cent for contingencies, and fix the exact figure they agreed upon as the maximum cost. That was done.

I think the Senator and the Senate should know those facts.

Mr. FRAZIER. I recall that 10 per cent proposition; but at the time the bill was introduced in 1926 it was stated before the Indian Affairs Committees of both the House and the Senate that two surveys had been made up to that date.

Mr. BRATTON. Upon that, if the Senator will suffer another interruption, those surveys were not made by engineers of the district; and if the Senator is laboring under that belief he is mistaken. One of those surveys was made in 1923, as I now recall, by a man named Gault, an engineer in the Bureau of Reclamation. He did not represent the Bureau of Indian Affairs. He did not make a survey of this particular area, but he made one of the entire Rio Grande Valley. In the following year an engineer of El Paso, Tex., named Sullivan, made another survey of the Rio Grande Valley. Neither of those surveys was confined to the area embraced within this bill, and neither of those engineers had in mind the project we are now considering.

Mr. FRAZIER. On February 19, 1927, Representative MORROW, of New Mexico, made a statement, which is to be found in the CONGRESSIONAL RECORD on page 4246, in which he stated that—

> The engineers estimate that under the project the cost for irrigation and drainage, not including storage, is about $35 per acre.

There seems to be lots of difference of opinion in regard to the cost of this irrigating project, and judging from the history of irrigating projects, they generally cost a lot more than the estimates.

Mr. BRATTON. Mr. President, will the Senator suffer a further interruption?

Mr. FRAZIER. Certainly.

Mr. BRATTON. The Senator recalls that there is a letter in the record, over the signature of Doctor Mead, which states that the average cost of reclamation during the last five years has been about $90 per acre. When that fact is taken into account, coupled with the conclusion reached by the consulting engineers from several States, the engineers for the bureau, and the engineers for the district, how can the Senator assert that the cost here is excessive, in the face of the combined judgment of all engineers who have dealt with the proposition?

Mr. FRAZIER. Mr. President, I was only quoting engineers, and figures that have been given, and the only assertion I will make in regard to the excessive cost included in this bill is in regard to the amount of Indian land that is now under cultivation, and has been for years and years, the 8,346 acres. There was nothing in the hearings, so far as I can recall, to show that it would cost $67.50 an acre on that 8,346 acres to put it in shape for this project.

Mr. BRATTON. Mr. President, will the Senator permit another interruption?

Mr. FRAZIER. Certainly.

Mr. BRATTON. The difficulty in which the Senator finds himself is his utter unfamiliarity with the facts. If this land is reclaimed, the present antiquated system of ditches will be utterly disregarded. The district would not use those ditches in any sense. That land would be reclaimed as raw land would be, because the system which the Indians have now is worthless, and could not be used in giving that land a modern system of irrigation. So that, so far as the cost of construction is concerned, that land might as well be raw land as to be in the shape in which it is now.

Mr. FRAZIER. It has been said in the hearings that the Indians were going to do all the work except on one main ditch.

Mr. BRATTON. That relates to maintenance, not construction. It relates solely to maintenance, when the water is turned out of the canal onto the Indian lands.

Mr. FRAZIER. As I understand it, this particular land of the Indians is a little differently situated from a great many irrigating projects, and practically all that is needed is just one main ditch, and the water will be let out in laterals and will be easily taken care of and easily provided for.

Mr. BRATTON. In response to that the Senator stated a while ago that he made a trip through the Southwest last year. Let me ask him if he went on this project then, or at any other time?

Mr. FRAZIER. No; I have never been to this project.

Mr. BRATTON. The difficulty under which the Senator is laboring is his utter unfamiliarity with conditions. I have endeavored as best I could to help him overcome that handicap.

Mr. FRAZIER. I appreciate the endeavor of the Senator from New Mexico.

I want to go on now with a little history of this bill. Senate bill 700 was introduced in the Senate and a similar bill was introduced in the House. Before they were acted upon by the committees, amendments were suggested. Those amendments were agreed upon at conferences participated in by practically all concerned. I have telegrams here to show that the Indians had agreed to the provisions of the original bill. Apparently it had been difficult to get the Indian council of Pueblos down on this land to agree to the bill that was wanted. But the proponents of the project finally got them to agree to the bill as it was amended and finally referred to the committees in each House.

After a hearing before the committee in each House the bills were reported out and went to the calendars. The Senate committee bill passed the Senate and went over to the House. When the House bill was reported from the committee and was reached on the floor of the House the Representatives from New Mexico, as I recall, moved to substitute the Senate measure for the House bill, and that was done. Then a member of the Committee on Appropriations of the House rose and made a motion to strike out everything after the enacting clause and to insert a substitute measure. The substituted measure was similar to the original, but with two or three very vital changes, and those vital changes absolutely violated the agreement and the promises that were made to the Indians in order to get them to indorse the measure.

The Senator from New Mexico nor anyone else will dare stand up here on the floor of the Senate and deny that statement.

If the time has come when we are going to disregard the promises we make to the Indians, if we are going to treat them as children, or worse than children, and as not entitled to any consideration, then let us agree to this House amendment. If we are going to live up to our promises, let us keep those promises, and insist on the original bill as referred out by both committees and passed by the Senate.

The Indians down there were told that there would be no charge against the 8,346 acres which they have cultivated for hundreds of years. It is said that in prehistoric times they cultivated 25,000 acres down in that valley. Perhaps they did; but since white men have lived in that country, since we have had a history of the country, 3,500 Indians have lived on that land and apparently have gotten along pretty well. One of the engineers has said that this land is their bread and butter, and everyone concedes that they have made a fairly good job of the work on that land.

The Senator from New Mexico says that if this new project should go through it would undoubtedly increase the fertility of that soil fourfold. Perhaps it might; but after that land has been farmed for centuries it is pretty hard to make me believe that a little additional water put on the land would increase the fertility fourfold.

Mr. KING. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. KING. The fact of the matter is that those Indians do not require additional water. They have a priority. They were the first settlers. Their rights were antecedent to all other rights. They have no desire for additional water supplies. There is more water than the original settlers require. So that no claim can be made, with any validity, that this measure would increase the water supply for that 8,346 acres, because, as stated, that land requires no additional water rights.

Mr. FRAZIER. Further than that, Mr. President, these Indians have not only been cultivating this land for hundreds of years, but if there is any water-logging it is due. as has been stated in the hearings several times by engineers and representatives from that section of the country who know the situation, to civilization and not to anything the Indians have done. As long as the Indians are wards of the Government, it seems to me, in view of the fact that they have cultivated that land for hundreds of years and made their living there, that if any change is to be made, the expense should be borne by the Government and not charged up to those Indians. That was what the original bill, as introduced here and passed by the Senate, provided.

Mr. President, the Senator from Wisconsin has introduced a number of telegrams and statements from people who are interested in this matter, representatives of the Indians and others who are very much interested and feel that an injustice will be done to the Indians if the House amendment shall be agreed to. I have here a telegram that was sent to the junior Senator from Maryland [Mr. TYDINGS], which states:

BALTIMORE, MD., *February 28, 1928.*

Senator MILLARD F. TYDINGS,
United States Senate, Washington, D. C.:

Large group Baltimore women, including heads of several large women's organizations, in meeting assembled with Fortnightly Club strongly urge that Senate bill No. 700 be so amended as to fully protect interests of Pueblo Indians, and that you, as our representative, advise the Senate of our wishes in this matter.

ANNA N. KAY, *Secretary.*

I also have a telegram addressed to Senator WALSH from Santa Fe, N. Mex., which states:

SANTA FE, N. MEX., *February 27, 1928.*

Senator WALSH,
Senate Office Building, Washington, D. C.:

We insist upon our objection to the Cramton amendments to conservancy bill, S. 700, and believe they would be dangerous to the future welfare of the Pueblo Indians, and we indorse S. 700 as originally reported out of committee and passed by the Senate for the reason that it definitely safeguards the interest of the Indians.

EXECUTIVE COMMITTEE NEW MEXICO
ASSOCIATION ON INDIAN AFFAIRS,
MARGARET MCKITTRICK, *Chairman.*

Mr. President, I could read many other statements of that kind, but I do not know that it is necessary, so much has been said and so many telegrams have been inserted in the RECORD already.

These 8,346 acres which have been under cultivation all these years by the Indians, and off which they have made their living, it seems are right in line where the water for this project will have to come in order to furnish water for this land and the rest of the project. It is a fact that one of the engineers stated that the present irrigating project of the Indians was not worth one cent to this conservancy project, and that may be true. Nevertheless, the present system is worth a lot to the Indians, because they have made a living off that land for centuries.

There is a very grave doubt in my mind as to whether or not this proposed project will increase the value of the Indian land to any material extent; that is, I believe it would not cost the project the $67.50 an acre that is to be charged up against the Indian land.

Of course, under the Cramton amendment the 8,346 acres would be exempted from this reimbursable charge, but it is placed on the balance of the land, the other 15,000 acres, making a total charge against the 15,000 acres of something like $109 per acre, which is, of course, a higher charge than is made against the white land, and it seems to me it is absolutely unfair.

More than that, it would mean, I believe, confiscation of that land ultimately. There is something in our Constitution which says that property may not be taken away from our citizens without due process of law, but the Indians apparently are not considered in that connection.

Mr. KING. And with just compensation.

Mr. FRAZIER. Yes; and with just compensation, but the Indians obviously are not considered as coming under the Constitution of the United States. It would seem so at least, not only in this case but in hundreds of other cases in the treatment of Indians in this great Nation of ours.

The amendment which the Senator from Kansas [Mr. CURTIS] has offered would be of some help. Undoubtedly it would be of some help, because it would allow the Indians to take 4,000 acres of what would be reclaimed land under the provisions of the bill and farm it. That would be of some assistance, undoubtedly. In the hearings the other day the Assistant Commissioner of Indian Affairs, Mr. Meritt, stated that even with all of the $1,500,000 plus made reimbursable against the 15,000 acres of Indian lands under the Cramton amendment, it would still be of benefit to the Indians. Perhaps it would be of benefit to them. It would be of benefit to the Indians if we would add on another $500,000, but it would be violating the promises that have been made to the Indians, and it would be unfair.

Mr. FESS. Mr. President, will the Senator yield?

Mr. FRAZIER. Certainly.

Mr. FESS. It has been reported to me that the proponents of the bill are not averse to the Curtis amendment and the opponents of the bill are not averse to it. Why not act upon the Curtis amendment and pass the bill?

Mr. FRAZIER. The information that has come to the Senator is hardly correct.

Mr. FESS. Then I beg the Senator's pardon for the suggestion.

Mr. FRAZIER. I just made the statement that it would be of only slightly more benefit than the Cramton amendment.

Mr. FESS. But it would not be satisfactory?

Mr. FRAZIER. It would not be satisfactory to the Indians or their representatives, the people who are here representing them, and, according to the word we get from their council itself, it would not be satisfactory to the Indians.

Mr. FESS. Then I was misinformed. I had understood the Curtis amendment would adjust the difficulty.

Mr. FRAZIER. No; there is nothing to that effect, so far as I know, and I have been receiving telegrams and statements from the Indians. The Indians themselves, through their council, authorized Mr. Collier to represent them, and while there was some difference of opinion as to the way he is representing them, yet I believe he is doing his utmost to be sincere and to represent them as they would like to be represented.

The other day, in the hearings before the committee on the House bill as amended, the Assistant Commissioner of Indian Affairs, Mr. Meritt, made the statement that this would be of some benefit to the Indians, even with an additional $1,500,000 plus placed against the land. Perhaps it would be of some benefit to them to have an improved irrigating project. Nevertheless the Indians are getting along pretty well, and they are not satisfied apparently with the suggested improvement, unless their 8,346 acres shall be taken care of without any expense to the Indian lands.

Of course, as to the reimbursable part of it, it is said that the Indians will never pay; but there have been instances where lands allotted to Indians had a reimbursable charge against them, and when the Indians died the land was sold to pay the reimbursable debt. Undoubtedly what has occurred in the past will occur in the future. I think the proposition for the total amount of the appropriation of $67.50 per acre for the total number of acres, including the 8,346 acres that has been under cultivation and irrigation all these years, is absolutely unfair to the Indians.

The Curtis amendment would be of some benefit, undoubtedly, or would be some improvement over the way the House amended the bill; but even with the amendment which the Senator from Kansas offered, the bill is still unfair to the Indians and violates the promises that have been made to them and, in my estimation, for that very reason should not be passed.

As I said, if we are going to take the attitude of disregarding the promises we have made to the Indians and disregarding our understandings and even treaties with them, then let us go ahead and enact legislation without consulting the Indians; but after we have gone to all the trouble of spending two or three years' time apparently in getting the Indians to consent to a bill to take care of the irrigation project in the Rio Grande Valley, after we have gone to the trouble of holding hearings in both Houses and having the hearings printed, taking the time of the Members of both Houses hour after hour, it seems to me a little inconsistent to disregard now the promises made to those Indians and to enact such legislation as is proposed by the House amendment.

Mr. HAYDEN. Mr. President, with respect to the promises made to the Pueblo Indians to which the Senator from North Dakota has just referred, I may say that at the time the promises were made there was no one present authorized to speak for Congress. In other words, it is perfectly feasible for certain gentlemen interested in developing a conservancy district in New Mexico, and certain Indians whose lands are to be a part of that district, to agree that the Indians shall receive a gratuity appropriation of half a million dollars. All the interested parties in New Mexico may have agreed that they would endeavor to induce Congress to make a gratuity appropriation to that extent, but the Congress alone can make the appropriation. Congress never made any promise to the Pueblo Indians, and no one with authority to speak for Congress ever made any promise to the Pueblo Indians that a bill would be passed granting a gratuity appropriation to that extent.

Mr. FRAZIER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from North Dakota?

Mr. HAYDEN. I yield.

Mr. FRAZIER. That may be true. Nevertheless, according to telegrams which have been read into the RECORD and of which I have copies on my desk, the Indians were consulted, and their attorney, Mr. Hanna, and their representative, Mr. John Collier, were consulted. Hearings were held before their council and they agreed, apparently, to the provisions proposed. Mr. Rodey, the attorney for the conservancy project, wired to them saying that the provisions they asked for were agreed to. Hearings were held by the committee of the Senate and an agreement was reached by that committee. The bill was voted out and passed by the Senate. Hearings were held in the House and the bill was reported out there and went to the calendar of the House. Then amendments were made by the House, violating the promises made to the Indians and which had been considered by committees in both Houses, without a word of explanation on the floor of the Senate or the floor of the House before those changes were agreed to.

Mr. HAYDEN. Nevertheless no one had authority to speak for Congress. The only way Congress can speak is by the final enactment of the bill. We can only judge the future by the past. We can only judge this legislation by other legislation which has heretofore been enacted. I can say, and I speak advisedly because I served for more than 15 years on the Committee on Indian Affairs in the House of Representatives, that at no time in the past 15 years has Congress enacted any law granting a gratuity appropriation for the construction of Indian irrigation work of any consequence, and at no time to the extent of $500,000.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. HAYDEN. Certainly.

Mr. KING. I accede to what the able Senator from Arizona said, that no one perhaps is authorized to speak for Congress. Undoubtedly the Indians, if not their attorneys, and I think their attorneys had the impression—I am sure the Indians had—that the Indian Bureau was authorized to speak for the General Government and that any promise or representation made by the Indian Bureau would receive validation at the hands of the Congress.

Mr. HAYDEN. The Senator from Utah, I am sure, would not permit a bureau to speak for Congress?

Mr. KING. I grant that we do not permit, at least we ought not to permit, bureaus to speak for us. I think we permit executive officials and bureaus to speak too much for Congress, and we are afraid to legislate until we get their approval upon proposed legislation. But conceding that there was no one there who might speak for Congress and that no one did speak for Congress, if the Indians made a proposition predicated upon the assumption that only $1,000,000 was to be reimbursable and they assented to the Rio Grande conservancy project upon the hypothesis that $1,000,000 only was to be reimbursable and the residue was to be a gratuity, and if they were mistaken because the Congress would refuse to accept their view, then obviously if we are to proceed upon the theory of contractual relations, they entered into a tentative agreement upon a wrong hypothesis. The minds of the parties have not met and fairness would seem to require that we halt any further proceedings until the Indians have further opportunity to investigate the matter and determine whether they would be willing to accept a contract or a proposition the basis of which is that the entire amount shall be reimbursable out of the Indian funds.

Mr. HAYDEN. I want to point out to the Senate that the only general statute there is relating to the subject of Indian irrigation projects requires that the Federal Government shall be fully reimbursed for all such expenditures. That law appears in section 386 of the United States Code. It is the act of February 14, 1920, and reads as follows:

> The Secretary of the Interior is authorized and directed to require the owners of irrigable lands, under any irrigation system constructed for the benefit of Indians and to which water for irrigation purposes can be delivered, to begin partial reimbursement of construction charges, where reimbursement is required by law, at such times and in such amounts as he may deem best, all payments hereunder to be credited on a per-acre basis in favor of land in behalf of which such payments shall have been made and to be deducted from the total per-acre charge assessed against such land.

There is another section of the code which relates to operation and maintenance charges that likewise directs that wherever possible the Federal Government shall be reimbursed. In other words, no one can find any authority of law anywhere for the appropriation of money for the construction of an Indian irrigation project unless the sums appropriated are made reimbursable.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. FRAZIER. We can find some precedents, though, those things on which attorneys like to base their arguments so much. The senior Senator from Montana [Mr. WALSH] made the statement the other day, in discussing some measure from his State involving the Flathead Indian power proposition, that there was an irrigating project for the Indians, as I recall, with some $200,000 or more expended, where the money was a direct appropriation and not reimbursable.

Mr. HAYDEN. That may be true in the Northwest, where the Indians know very little about irrigation and where they were never even farmers but lived as hunters until the white man came. In the Southwest there are two tribes of Indians, the Pueblos on the Rio Grande in New Mexico, and the Pimas on the Gila River in Arizona, who have been irrigating their lands from time immemorial. Take the Pima Indians of Arizona, who can only make a living by the cultivation of their lands by irrigation. What has been required of the Pimas? In all instances the irrigation appropriations made for their

benefit have been made reimbursable; a charge has been made against the Pima Indians for the full amount of the expenditures made by the United States. But in all cases there has been done what it is proposed to do in this bill. The lien or charge upon their land is not to be enforced and they shall not lose title to it so long as the land remains in Indian ownership.

The practical effect is that charge is made on the books of the Treasury Department for any sum expended for the irrigation of Indian lands. The collection of that expenditure depends entirely upon the progress made by the Indians. There is no time limit in this bill nor in any similar bill which provides that upon a certain day the Indian shall pay a certain amount and that if he does not pay that amount he shall lose his land. That would be wholly unfair and unjust because the Indian can not be expected to have the same ability to meet his obligations as a white farmer.

Mr. FRAZIER. There was a time limit put on the original bill and that was stricken out by the Cramton amendment to the bill, but this bill has a new feature that has never, so far as I know, been included in any other Indian irrigation project; that is, to reimburse the expenditure out of the proceeds of the leases of the land.

Mr. BRATTON. Mr. President, will the Senator from Arizona yield to me?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from New Mexico?

Mr. HAYDEN. I yield to my friend from New Mexico.

Mr. BRATTON. The Senator will recall as to that feature that the Indian Bureau and the Indian Defense Society were in accord and urged that very provision in the bill, and no objection was raised to it until the measure came back here from the House of Representatives.

Mr. FRAZIER. No objection was raised, because of the gratuity appropriation to take care of the 8,346 acres.

Mr. BRATTON. Yes; and the whole question all gets back to that. It turns not upon whether repayment shall be made from the proceeds of leases, but upon whether the appropriation shall be a gratuity or reimbursable; that is the whole question.

Mr. FRAZIER. That makes a lot of difference. The Indians agreed to a bill with this $500,000 gratuity appropriation; they have not agreed to anything else.

Mr. HAYDEN. Mr. President, I have before me the laws affecting the irrigation of Indian lands in Arizona; and if any Senator is interested I shall be glad to read their text with respect to the question of repayment. All of these laws provide for full reimbursement to the United States just as this bill so provides. The pending measure, therefore, follows the precedents now well established that there shall be a charge against the Indians for any money expended in their behalf for irrigation purposes, payable when? Whenever the Indians can afford to pay it. That is all that it amounts to. The time and manner of collection is left entirely in the hands of the Secretary of the Interior under such rules and regulations as he may prescribe. That is the provision in the laws relating to the Pima Reservation under the San Carlos project, and that is the provision here. At no time in all the years I have been a Member of Congress have I found Congress or the Bureau of Indian Affairs unwilling to listen with sympathy to pleas in behalf of the Indians, nor has any tribe of Indians ever been compelled to make reimbursable payments which could not be justified.

Mr. FRAZIER. Mr. President, if the Senator will yield to me, I desire to state that I recall some ten or twelve million dollars of reimbursable charges against the Indians have been collected by the Treasury Department throughout the United States in past years.

Mr. HAYDEN. That is a very fine showing and justifies the faith which Congress has in the Indians. It is entirely proper that such collections should be made. Congress is getting away from the old idea that the Indian should be furnished with something for nothing. We can not make good citizens of them on that basis. Under the old system of rounding up Indians on reservations, giving them rations, furnishing them with gratuities, the Federal authorities bred in them not a desire to work but a desire to loaf; not a desire to improve themselves as other citizens do, but a desire to obtain what they could from the Government for nothing. That is a wrong policy. Congress should not give any able-bodied person anything without effort on his part, whether he be a white man or an Indian.

Mr. FRAZIER. Mr. President, will the Senator yield to me?

Mr. HAYDEN. I yield.

Mr. FRAZIER. I wonder if the Senator would want to take the other horn of the dilemma and say that we should not take Indian property away from them for nothing?

The Indians of the Southwest especially have been crowded back into the desert; in many instances the best land, the only land that it would seem to me any human being could live on, has been taken by white people and the Indians crowded back. Then when the white man needs bridges in order to travel over the country they are built and the charge is made reimbursable against the Indians. That is fair, is it?

Mr. HAYDEN. Can the Senator tell the Senate where in the Southwest any land which they were occupying has been taken away from the Indians? I ask the Senator to name the place and the Indian tribe.

Mr. FRAZIER. Oh, my goodness——

Mr. HAYDEN. Will the Senator be kind enough to do that? I have lived in the Southwest all of my life, and I know of no such instance. In the State of Arizona to-day over 20,000,000 acres of land are reserved for Indians—some of the very best land in the State. No Indian has been driven off any land that he was actually farming in Arizona or New Mexico. The Senator can not point to the place nor the tribe nor the time.

Mr. FRAZIER. I visited several Indian reservations in Arizona, and if the land I saw there is the best land there is in Arizona I pity the rest of it.

Mr. HAYDEN. But the Senator has not answered my question. Will he name the tribe of Indians from whom land has been taken or designate the tract of land or the time when it was taken? I am anxious to know.

Mr. FRAZIER. We have passed several bills at this session, so-called department bills, recommended by the Bureau of Indian Affairs, making provision concerning lands out there belonging to the Indians that would have been taken away from them if it had not been for the legislation which we passed.

Mr. HAYDEN. The only legislation to which the Senator can possibly refer is a bill affecting certain lands granted to a railroad company. The lands were embraced in alternate sections which were granted to promote the construction of a transcontinental railroad many years ago. Congress has provided that if Indians are actually residing on any of the alternate sections the railroad company may select an equal area of other lands in the same State. That is the only legislation to which the Senator might have reference. No Indian has been driven off his land. The Senator has made the very broad assertion that Indians in the Southwest have been robbed of their lands. I insist that no such a thing has taken place and that he can not point to the tribe nor the land nor the time when Indians were robbed of any area that belonged to them.

Mr. FRAZIER. I am sorry that I have not the information for the Senator at this time, but, as I understand, the reservations there have been narrowed several times and the Indians have been crowded back, if you please—that is what I call it—and I do not see how the Senator can controvert that statement. The size of the reservations has been reduced time after time and probably will be reduced further.

Mr. HAYDEN. Upon the contrary, the size of the reservations in the Southwest has been increased time after time.

Mr. FRAZIER. That may be true in certain instances.

Mr. HAYDEN. If the Senator will examine the record he will find that much more land has been added to the reservations in Arizona than has ever been taken away from them.

Mr. FRAZIER. On what does the Senator base the size of the reservations in the first place? The Indians owned all of that territory a few years ago?

Mr. HAYDEN. The Indians had a right to roam over it and kill game upon it. Mere occupancy is not ownership. More land than the Indians ever actually used has been reserved for them and they now have the full benefit of it. The Senator can not justify his statement by the facts in any record.

Mr. President, it is the duty of Congress to do justice to the Indians because of the peculiar position which they occupy as wards of the Government. Here is a proposal in the interest of a great community, extending up and down the Rio Grande, of which the Pueblo Indians are a part. That community can not expand, it can not prosper unless the Indians who live in it do their share in order to develop it. It is very easy when any development of this kind is proposed, just as it is in the case of a drainage district or an irrigation district, for some individual to say, "My particular tract of land is so situated that this general improvement will not benefit me to the extent that it would somebody else, therefore I will not take part in the common effort." That is a narrow, selfish view to take. The only way that a community can prosper is for all of its members to unite and carry forward the work of development. That is what has to be done in this case. The white men and the Indians must combine if either is to advance.

What is proposed in this instance? I might illustrate it in this way: Suppose I were the owner of two tracts of land, one which I was cultivating in an inefficient manner and another tract which was waste. In this instance about 23,000 acres are involved and, with the amendment offered by the Senator from Kansas [Mr. CURTIS], the Indians are to use about 12,000 acres and the other half is to be reclaimed from a waste and an unprofitable condition. Suppose that some philanthropist were to come to me or a kind and paternal government, as is the case in this instance, and say, "I will improve the land on which you are now living, make it more profitable for you to cultivate it, give you a better water supply. I will likewise improve the waste tract for you, and I will take all of my reimbursement from the waste land and not from the cultivated land"; that would be a parallel case to the one now before us. In this instance no Pueblo Indian will ever be required to go down into his pocket and pay anything from any income that he may derive from his land toward the repayment of irrigation and drainage works which will be constructed for his benefit. There is nothing in this bill which can be construed to mean that any Pueblo Indian at any time will be required to pay one cent toward reimbursing the United States. The reimbursement will come entirely from the rental of the excess lands which are now waste and useless.

Mr. FRAZIER. If in that case and in other cases under the reimbursable provisions of which the Senator speaks, the Government is never going to collect anything, what is the use of making the expenditure reimbursable? Why not make it a gratuity? That is what it amounts to.

Mr. HAYDEN. Under the plan proposed in this bill the United States can be fully reimbursed, just as all the expenditures made to obtain water for the Pima Indians in Arizona will be reimbursed, but the United States is not going to be reimbursed in the sense that the Indian has to pay a certain amount on a certain day or lose his land. The Federal Government in course of time will get its money back for this expenditure from income derived from the now waste lands. Therefore the whole amount expended in behalf of the Pueblo Indians for this development is placed upon the books of the Treasury as a charge against them. But the Indians themselves are never to be required to pay a cent out of their own income. All reimbursement is to come from the proceeds of the rentals of excess lands. What injustice can possibly be done to the Indians? Land which is now waste and worthless, from which they can gain no income, is to be developed by a generous Government, which will furnish the money without interest and take its chances, however many years may elapse, of getting its money back.

It seems to me that under such circumstances the Congress ought to do what is best for the community as a whole, when it is clearly demonstrated that no Indian at any time will be in any manner injured. For that reason I shall support the bill. I shall support it because I believe that whenever an occasion of this kind arises, we should realize that Congress can not be guided solely by the wishes of the Indians or take the word of some group of friends of the Indians or the word of some people who are organizing a conservancy district, as in this instance. We must do what is best for all concerned, including the Federal Government, and if we satisfy ourselves that no Indian can at any time either lose any of his land or be required to pay any of his own money, then certainly there is no possibility that any injustice can be done to any Indian. Therefore the House amendment should be agreed to and the bill should be passed.

Mr. CUTTING. Mr. President, I should like to have the privilege of having read from the desk two telegrams I have received, one from the Governor of New Mexico, and one from the chairman of Indian welfare of the New Mexico Federation of Women's Clubs.

The VICE PRESIDENT. Without objection, the telegrams will be read.

The legislative clerk read as follows:

ALBUQUERQUE, N. MEX., *February 9, 1928.*

Senator BRONSON M. CUTTING,
Senate Building, Washington, D. C.:

This refers to Senate bill 700 as amended by House, which has received Senate concurrence. Our people are not concerned as to reimbursable features of bill, but we are vitally interested in enactment of legislation proposed, and personally I feel that bill as amended and passed by Senate is best possible for all concerned. Will appreciate any assistance you can lend toward sustaining concurrence.

R. C. DILLON, *Governor.*

Mr. FRAZIER. Mr. President, will the Senator yield right at that point? That statement seems to me rather peculiar, inasmuch as the governor states that "our people are not concerned in the reimbursable features." Perhaps it is because the Indians down there do not vote.

The legislative clerk read as follows:

NEW YORK, N. Y., *February 19, 1928.*

Senator BRONSON CUTTING,
United States Senate, Washington, D. C.:

As chairman of Indian welfare of the New Mexico Federation of Women's Clubs representing over 3,000 club women I urge passage of House bill 700, no matter whether with or without reimbursement. I disapprove of Collier's attitude in the matter.

Mrs. MAX NORDHANS.

Mr. CUTTING. Mr. President, I do not intend to take very much of the time of the Senate. The opponents of this bill have spoken for about three hours this afternoon, and obviously it would take an equal length of time to refute their arguments in detail. I think the Senator from Arizona [Mr. HAYDEN] has given a very clear idea of the fallacy that underlies all their arguments; namely, the fallacy that Indians in the Southwest have been treated in anything like the same manner as the Indians in the rest of the country.

The intimation has been made, both by the Senator from North Dakota and by the Senator from Wisconsin, that probably my colleague and I are not cognizant of conditions in the State; that the Member of Congress on the other side of the Capitol is not cognizant of those conditions; that the governor of the State is not cognizant of them; and that the innumerable citizens of New Mexico who feel that this measure must be passed to benefit both whites and Indians do not understand the conditions.

I do not think any of us pretend to be engineers. We have laid before the committees, and incidentally before the Senate, the report of the engineers who examined the project, and we believe that they all sustain us. The Senate has also been presented with the opinion of the Indian Bureau. It may be that the gentlemen who are speaking against us have better information about our conditions; but there is one kind of information they do not have, and that is the general background and the history which underlies this particular legislation.

The Rio Grande Valley, as I think Senators understand, is a very peculiar part of the United States. The district which we are considering is a district 150 miles long, and most of it is about 1 mile wide. There are a few broader tracts, constituting what may be called oases in the middle of this desert. These oases were settled on in prehistoric times by these tribes of Pueblo Indians, six of them in the area that is now in question. Naturally, those tribes of Indians picked the best land they could find along the river. Those Indians are living in exactly the same area, with the same lands, with the same architecture and buildings that they were living in when Europeans first came out there, and that means a very long period of historical record.

The first European to visit the country was Cabeza de Vaca, who walked from the coast of Florida to the city of Mexico by way of New Mexico in 1528. We have his records. We have the records of the Coronado expedition, which practically started the white settlement in New Mexico. The date of that was 1540. From that time to this those Pueblos have remained in possession of the lands which they possessed originally. As I think the Senator from Arizona said, that condition does not apply in any part of the United States except the Southwest.

The sixteenth century is generally considered a cruel century, and we hear of the Spanish conquerors, and perhaps some of us who were born in this part of the country think they were a cruel set of men. The fact remains that they treated the Indians better than anybody else has treated them who came from Europe in the early days. They came out nearly a century before the Pilgrim Fathers; and yet what has happened to the Indians in the East? Where are the Hurons, or the Iroquois, or the Pequots, or the Narragansetts? Even in later times the Chippewas and the Menominees, and such Indians in the Northwest, have been segregated, as I understand, and placed on reservations.

We are dealing here with an entirely different situation. These are Indians who never wandered, who have always been in exactly the settlements they are in now.

It is true that in the seventeenth century there was a great outburst of anti-Christian sentiment. The Pueblo Tribes rose up, massacred the Franciscan missionaries, and drove the Spaniards out of the territory for 12 years. After the Spaniards came back they did not retaliate in any way. They conquered the Indians, but they did not dispossess them or drive them out of their lands. They took none of their privileges away from them. They settled on what land remained after the really first-class land had been left in Indian possession. That statement applies after the territory we are speaking of passed under Mexican

sovereignty; their possession was guaranteed when the United States, under the treaty of Guadalupe Hidalgo, took over the territory. The same guaranties were preserved in the enabling act and in the constitution of New Mexico.

Mr. KING. Mr. President, will the Senator yield?

Mr. CUTTING. I yield.

Mr. KING. I think the Senator should state that the number of Spanish settlers in the district to which he refers was always very inconsiderable. There was a larger repository of Spanish blood in California; but in Arizona and New Mexico, and farther up, in the southern and southwestern part of Colorado and the southern part of Utah, there was scarcely any Spanish blood at any time, as I recall history.

Mr. CUTTING. Mr. President, I beg to take issue with the Senator on that point. The records of the Spanish conquerors in New Mexico are a matter of history. They can be traced under all the Spanish governors. We know just what Spaniards settled in each particular place, and the number of the invaders, as they may be called. That population increased. At the time the United States took over the territory, which I suppose is the time to which the Senator is referring, the Spanish population was the same as it is now—that is to say, around 150,000 to 200,000—and, of course, that was immeasurably superior to the few thousands of Pueblo Indians who were on the land.

I think that background does make a difference when Senators get up here and tell about the terrible injustices which have been done the Indians all over the country.

I see that the opponents of this bill, in a statement they have gotten out asking for a veto in case the bill should pass, state that—

> If the Senate can be led to indorse such a proposal, the century of dishonor has not come to an end.

Mr. President, there has been no century of dishonor so far as New Mexico is concerned. There have been four centuries of complete good faith.

When the United States took over the territory which we now call New Mexico, they took over not only these Indian pueblos but the Spanish population which had been settled there for at least 300 years. Those Spanish people had been just as remote from European or American civilization and culture as any part of the Pueblo Indians. They were totally unfitted to cope with the advances of Anglo-Saxon civilization.

The territory which they owned was exploited by the land grabber and the carpetbagger from the East. Those people to a large extent lost their rights, lost their lands, and were reduced to poverty. That never happened to the Indians. Nothing was ever done by the Federal Government for those Spanish-speaking people. When we consider the millions of dollars that have been spent on Porto Rico and the Philippines to educate the people of those distant possessions in the English language and in Anglo-Saxon ideas, it is fair to remember that those advantages never were given to New Mexico or to the Spanish-speaking majority of the population of New Mexico in any degree.

These Pueblo Indians, on the other hand, have been treated well. They have had admirable schools. Everything has been done for them. Many of them are graduates of Carlisle and other institutions of learning outside of New Mexico, and almost all have been to the Pueblo schools in Albuquerque and Santa Fe. Moreover, they have been protected against any exploitation. Their rights are guaranteed by the United States. They have the right to vote if they choose to pay taxes. If they do not, they remain wards of the Government, and nothing can be done against their interests.

I mention this background because it has, I think, something definitely to do with the subject now before the Senate. I want to compare for a moment the position of the descendants of the conquerors with the descendants of the people they are supposed to have conquered, and especially with regard to this particular bill. It is obvious that the bill will benefit all settlers in this valley, but it is equally obvious that it will benefit the Indians in proportion far more than the white settlers.

The whites, of course, pay taxes and interest. The Indians pay none.

The whites are assessed $76 an acre. As has been very clearly shown by my colleague, the Indians are assessed $67.50 an acre.

The whites pay the principal in 40 years. The Indians can have their time extended indefinitely within the discretion of the Secretary of the Interior.

The whites have to pay for the operation and maintenance of the irrigation system. The Indians are guaranteed against operation and maintenance charges in perpetuity.

The Indians receive priority water rights on the entire amount of acreage now under cultivation; that is, the 8,000 acres. They receive equal rights on the 15,000 acres to be added to cultivation.

The water rights in the old section, as well as the new section, are not subject to loss in case of nonuse or abandonment so long as the title remains in Indian ownership. That is something to which, of course, the white settlers have no claim whatever.

There is no lien against the lands now under cultivation. There is to be no enforcement of the lien against the newly reclaimed lands as long as the title remains with the Indians. To all practical intents and purposes, this probably means forever.

The bill not only trebles or quadruples the value of the Indian lands placed under cultivation, but it also trebles their extent.

It is no wonder that the Assistant Commissioner of Indian Affairs, who hoped for the gratuity clause in this legislation, has since testified that even without the gratuity clause this is the most generous piece of Indian legislation which has been passed by Congress in the last 15 years.

Mr. BRATTON. Mr. President, will my colleague yield to me just there?

Mr. CUTTING. Yes, sir.

Mr. BRATTON. While my colleague is on this subject, I have just been advised by the Assistant Commissioner of the Bureau of Indian Affairs that at no time did the Bureau of Indian Affairs make any promises or give any assurances to the Indians regarding the provisions of this bill; and any assertion to the contrary must of necessity be a mistake. That should become a matter of record.

Mr. CUTTING. I am glad to hear the statement of my colleague. I was sure that that was the case.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. DILL in the chair). Does the Senator from New Mexico yield to the Senator from Utah?

Mr. CUTTING. I yield.

Mr. KING. I am sure that anybody who reads the record, the hearings before the House committee and the hearings before the Senate committee, and the statements made by the Assistant Commissioner of Indian Affairs, Mr. Meritt, can not fail to be impressed with the thought that the Indian Bureau did recommend the $500,000 plus as a gratuity, and the bill which they first indorsed called for that as a gratuity. If that was not a promise, certainly persons reading the record would reach the conclusion that it was the equivalent of such.

Mr. CUTTING. Mr. President, I think it is very obvious, from Mr. Meritt's statement, that he prefers the bill with the gratuity clause in it. I am willing, for the sake of the argument, to agree with the Senator that the bill might be better with the gratuity clause in it. My colleague and I supported it in that form. Mr. Meritt's statement is, however, that even without the gratuity clause, it is the most beneficial piece of Indian legislation we have had in a long time. I do not think there is anything inconsistent in Mr. Meritt's position in that respect. But Mr. Meritt surely was not in any position to promise what Congress would see fit to do with regard to this matter.

This is a bicameral legislature, and the House of Representatives, of course, has to be considered in this matter. The parliamentary situation is simply such at this time that the bill can not pass in the original form. It must pass in this form or in none other.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. CUTTING. I yield.

Mr. LA FOLLETTE. Will the Senator explain what that parliamentary situation is?

Mr. CUTTING. I do not think we have to go into this thing in great detail. I am sure the Senator is just as familiar as I am with the fact that enough opposition has been developed in the House to the bill with a gratuity feature in it as to make it absolutely certain that it can not pass in that form.

Mr. LA FOLLETTE. Just what is that opposition? There is nothing in the RECORD that I have been able to find to show it. All that we have before us, so far as the official record in this matter is concerned, is that the House exercised its right to attach an amendment to the Senate bill. We have nothing but the statements made by the senior Senator from New Mexico, and now reiterated by the junior Senator from New Mexico, that unless the Senate pass the measure without further attempt to investigate the matter before the House, or to exercise its right to amend the House amendment, the legislation must fail. There has been so much of that kind of loose statement made here that I should like at this time to have some specific understanding of just what the parliamentary situation is that prevents the Senate from amending this amendment in such manner as it sees fit.

Mr. BRATTON. Mr. President, will my colleague yield to me?

Mr. CUTTING. I yield.

Mr. BRATTON. In reply to what the Senator from Wisconsin characterizes as so much loose talk, I want to say to him that the Congress will not abandon a policy that has prevailed unbroken for 15 years. The Senator knows that this whole controversy revolves around the policy of whether appropriations like this one are going to be reimbursable, or in the form of a gratuity.

Mr. LA FOLLETTE. Mr. President——

Mr. BRATTON. The Senator will allow me to complete my statement. The reimbursable policy has obtained for the last 15 years. It was inaugurated in 1913. This bill will not pass with a gratuity feature in it, and if the Senator will take as much time to investigate that as I have done, and as my colleague has done, he will reach the same conclusion, namely, that the policy of making appropriations for reclamation of Indian lands reimbursable is not going to be broken as to this bill, or any other legislation in the near future. It is the unbroken policy that has obtained for 15 years. That fact makes it impossible to enact this legislation in the form of an exception to such general policy. That has been investigated thoroughly, and the Senator must have advised himself about it.

Mr. LA FOLLETTE. Mr. President, I should like to ask the Senator if there were not reimbursable features concerning Indian water rights for agricultural purposes in the last appropriation bill that passed at this session of Congress.

Mr. BRATTON. For agricultural purposes?

Mr. LA FOLLETTE. Yes.

Mr. BRATTON. I am speaking about reclamation projects. I do not know as to the other. I am informed by the Bureau of Indian Affairs, and from other sources, that this policy of making appropriations for reclamation of Indian lands has obtained now for about 15 years, and there are those who are strongly committed to it. I am absolutely convinced that the policy will not be departed from in this case.

Mr. LA FOLLETTE. Mr. President, if I may trespass further on the time of the junior Senator from New Mexico, and let me say to him that I have no disposition to break the connected character of his argument——

Mr. CUTTING. I yield.

Mr. LA FOLLETTE. I requested a more definite statement of the basis upon which the Senators from New Mexico founded their contention that this legislation must pass in this form or not at all, and all that I get from the Senator is a statement to the effect that his information indicates that there has been a policy since 1913 of making all Indian reclamation work reimbursable. Waiving, for the moment, the question of whether or not the Senator's information is correct in that matter, it still does not explain the particular situation in which this bill rests.

The Senate can amend the bill in such a manner as it thinks is just under the circumstances, and can then message the bill over to the House. The question will come up on the floor of the House and be discussed there on its merits. As I stated in my remarks this morning, until the Senate has either taken that course or taken the course, which is perfectly legitimate, of rejecting the House amendment and asking for a conference, I maintain that it has not exhausted the perfectly legitimate and usual procedure in matters of this kind.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. HEFLIN in the chair). Does the Senator from New Mexico yield to the Senator from Utah?

Mr. CUTTING. I yield.

Mr. KING. It seems to me that the two Senators from New Mexico, able and earnest as they are, postulate a static condition, namely, that there must be appropriated one million five hundred ninety and odd thousand dollars, and in order to give reasonableness to such an enormous appropriation, they assume that the entire twenty and odd thousand acres are to be reclaimed. They forget that 8,346 acres have been reclaimed; that there are valid rights, of which the Indians may not be deprived, rights which were sanctified, if that is a proper term, by the enabling act under which New Mexico came into the Union, and by the constitution of New Mexico. The rights of those Indians were confirmed and may not be taken from them. Those Indians are not asking that those 8,346 acres shall be reclaimed. They have already been reclaimed. They are not asking for water rights or for the protection of their water rights. They have valid rights of which they may not be deprived by the State of New Mexico or by the Federal Government.

Therefore, the whole question is not as to this question of a gratuity, one of $500,000 plus. We may remit that, if the Senators will consent to the elimination of the $596,000 from the bill, and seek an appropriation of $1,000,000, and then allocate that to the 15,000 acres which are to be reclaimed, making approximately $67 per acre as the basis. If that were done, there would be no controversy, in my opinion.

Mr. CUTTING. Mr. President, may I say to the Senator that, admitting for the moment that the Indians have a legal claim on the 8,346 acres, on the water rights, and everything else concerned, in the course of time all that would be of absolutely no value to them whatever, from a practical point of view. I think my colleague has clearly shown to the Senate that the water level along the Rio Grande Valley is constantly rising, that each year there is less land available, and that the land that is available is getting more and more water-logged and more and more filled with alkali, and less and less useful for any practical purpose. I have not fixed that figure of $1,5[illegible]3,000. That was figured after a very careful calculation of the proportionate benefits which the Indians were to derive as compared with the rest of the valley. I accept that in perfect good faith, coming from a committee of expert engineers and two very able committees of the House and the Senate, as the proper figure. I have not calculated it; I am sure it is correct.

I am sure that if the Senator from Utah came before us with a proposition with regard to his State of this sort, my colleague and I would gladly accept any figure he would give; and the same applies to the State of Wisconsin or to the State of North Dakota. I say this in the best of feeling, because I know that these Senators are entirely sincere in speaking for what they consider the best interest of the Indians. We feel otherwise. We feel that the Indians are going to get more benefit out of this legislation, in proportion, than any other citizens of New Mexico.

If somebody were to come before the Senate and state that this bill as we propose it were too generous to the Indians, I think we should have a very much more difficult time to prove the merits of our proposition. I do not think it is too generous, because I think we ought to lean over backward in the attempt to do justice to the Indians at all times. But surely, when the very gentleman who is opposing the bill now has testified before the Senate committee that if such a bill is not passed the Indians will be faced with what has been described as the supreme evil, that of being compelled, because of the growth of population, to break up and go out to distant places, it seems very evident that we, in proposing this bill, are attempting to save the Indians from a calamity which has not been visited on them in the course of the last 400 years and from which they alone have perhaps been spared out of all the tribes of Indians in the country. With the exception, of course, of the Indians in Arizona, who came into the United States under the same terms, I believe these are the only Indians who have been living undisturbed down the centuries on the lands which they have occupied since prehistoric times. If this bill does not pass, according to Mr. Collier himself, these Indians are going to have to move out. They are going to lose their rights, which they have valued and maintained for the last 400 years to our knowledge, and for possibly many hundreds of years before that.

How can any friend of the Indians, or supposed friend of the Indians, under these circumstances, argue that if the bill shall pass in its present form the Indian pueblos will be urged to obtain a veto, and if they do not obtain a veto to contest the constitutionality of this act in the courts?

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. CUTTING. I yield.

Mr. LA FOLLETTE. Does the Senator from New Mexico think that Mr. Hanna is not a friend of these Indians?

Mr. CUTTING. Mr. President, I think that Mr. Hanna is a very sincere friend of the Indians. I think Mr. Hanna has been misinformed as to the conditions prevailing in Congress. I have a long telegram from him, by the way, which I think perhaps I might read.

Mr. LA FOLLETTE. The Senator has inferred that other Senators who do not live in New Mexico are uninformed in regard to this matter, but the Senator would hardly infer that Mr. Hanna, who lives in Albuquerque, and who has been the attorney for these Indians in this matter, is not informed, I take it.

Mr. CUTTING. His telegram starts:

> From information reaching me I fear that Senate debate on conservancy bill may create strong impression that appropriation is excessive.

It goes on along those lines. There are two pages of it. But the basis of the whole discussion is the fact that information has reached him from Washington on which he bases his recommendations as to what is to be done. Mr. Hanna not being here,

is not in a position to discuss the relative benefits which may accrue to the Indians from this bill or from some other bill, as we might amend it, because he does not understand the parliamentary situation, which my colleague and I are trying to make clear to the Senator from Wisconsin.

Mr. LA FOLLETTE. I would like to ask the Senator if Mr. Hanna is not the one who, in his telegrams, suggests that an effort will be made to secure a veto or to test it in the courts?

Mr. CUTTING. No; I do not refer to Mr. Hanna. It was Mr. Collier from whom I had a letter on that question.

Mr. LA FOLLETTE. If the Senator will read the telegram, I think he will find that suggestion embodied in it.

Mr. CUTTING. For the information of the Senator I shall be glad to read the entire telegram:

ALBUQUERQUE, N. MEX., *February 27, 1928.*

Hon. BRONSON N. CUTTING,
United States Senate, Washington, D. C.:

From information reaching me I fear that Senate debate on conservancy bill may create strong impression that appropriation is excessive and constitutes an injustice to Indians, thereby precipitating a fight for veto which might, and probably would, prove fatal to appropriation at this session. Can not believe that it is the policy of Congress or executive branches of Government to place burden by lien or reimbursable debt upon present cultivated areas of the pueblos, yet careful study of Cramton bill assures this result. If compromise could be reached before to-morrow and amendments accepted curing bill with assurance of appropriation for conservancy work understand necessity for conference exists, but can not believe that CRAMTON or his associates would desire or have the power to block favorable action—

All pure assumptions, of course, as the Senator will realize—

Importance of matter from State standpoint clearly requires cooperation and avoidance of antagonisms if success is attained. Believe success through compromise and acceptance of amendments more certain and that attitude of CRAMTON and apparent belief that his wishes must be accepted constitute greater jeopardy to desired success of conservancy measure. I know that a nation-wide fight for the veto of the measure as it is now presented to the Senate will be made, and I am greatly desirous of eliminating this dangerous element and express the hope that your last-hour effort will help accomplish the result.

R. H. HANNA.

It is quite obvious from the telegram that Judge Hanna believes the bill ought to pass, that it is a valuable piece of legislation. He is alarmed for fear there will be a veto. He wants to eliminate what he considers the dangerous elements in the bill. He believes the necessity for a compromise exists.

Mr. LA FOLLETTE. Mr. President, will the Senator yield further?

Mr. CUTTING. In just a moment, if the Senator will pardon me. Judge Hanna "can not believe" that Mr. CRAMTON and his associates would desire or have the power to prevent favorable action. I think the Senator from Wisconsin will agree with me that that is not a matter which Judge Hanna can decide from Albuquerque, N. Mex.

Now I am glad to yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. In so far as Judge Hanna's statements are directed to the legislation, I note that he states "after careful consideration of the Cramton amendment." Also I would like to suggest to the Senator that he characterizes Judge Hanna's fears with regard to this legislation as assumptions. I would like to reiterate that I characterize the statement of the Senator from New Mexico that the legislation can not pass unless we take the bill exactly in the form in which it is now presented as also an assumption.

I would like to make one further statement, if the Senator will permit me, that no one is contending here against any legislation at all, but those who are opposed to the legislation in the present form are contending that the Senate could go further in its attempt to secure the legislation that it has gone at this time.

Mr. CUTTING. May I ask the Senator from Wisconsin a question?

Mr. LA FOLLETTE. I am delighted.

Mr. CUTTING. If he could be convinced that the bill would have to pass in its present form or not at all, would he be in favor of this legislation or of no legislation at all?

Mr. LA FOLLETTE. In the first place let me say that I would be opposed to the bill in its present form until every effort has been made to reach an agreement with the House of Representatives that will protect the interests of the Indians in this matter, as I see them, until the Senate has amended the bill to make that protection of their interests and sent it to the House, where it can come up on its merits on the floor of the House, rather than to take a sub rosa statement of some Member of the House that he is not going to let the bill pass unless the Senate recedes. I do not think we have discharged that obligation.

In regard to the Senator's question as to whether or not, if I were convinced, after the Senate had taken that action, that the bill could not pass except in its present form, I would like to say that in my judgment the interests of the Indians would be protected if the legislation failed of passage at this session of Congress and it could be taken up at the next session of Congress. I would prefer to see a fight made here by the Senate now for the legislation and efforts put forward to get it in a form which would be just to the Indians. If that can not be done at this session of Congress, I would prefer to have the fight made at the next session of Congress rather than to sacrifice the interests of the Indians as I see them.

Mr. CUTTING. It is quite obvious that that is not the position of Judge Hanna, and that is the reason why I read his telegram in full. The Senator from Wisconsin suggested that Judge Hanna had been one of the men who had mentioned the possibility of making a fight in the courts on the constitutionality of the bill. So far as his telegram to me goes, that is not the case.

Mr. LA FOLLETTE. My suggestion with regard to Judge Hanna was that he made a suggestion concerning the possibility of its veto.

Mr. CUTTING. Then I misunderstood the Senator. But the fact remains that the only letter which suggested a testing of the constitutionality of the matter came from Mr. Collier, saying that six Pueblo Tribes, if they failed to obtain a veto, would seek an injunction and fight the matter to the highest court.

Mr. LA FOLLETTE. The Senator does not contend they have not a right to do that?

Mr. CUTTING. I do not contend anything of the sort. I contend that no true friend of the Indians could possibly urge them to take any such action.

I think I have about covered the situation. There may be some other Senator who wants to speak on the matter. As I said, it is the most important matter that has come before the State of New Mexico since statehood. It is as important to the Indians as to any other citizen of the valley, and probably more important. I submit that every true friend of the Indians will support the measure in the form in which it is at present before the Senate, with the amendment suggested by the Senator from Kansas.

Mr. DILL. Mr. President, I am interested in the pending measure from only one standpoint, namely, the reimbursable feature. If the policy which has been established in the Congress for a long period of years, of making such appropriations reimbursable, is to be abandoned, it opens the door to what I consider a very dangerous situation in that connection. I do not understand, from what I can learn of the legislation, how anybody can seriously contend that the money should not be reimbursed as are all other appropriations for the development of Indian property.

Mr. KING. Mr. President, will the Senator yield?

Mr. DILL. Certainly.

Mr. KING. That is not the only question involved.

Mr. DILL. It is a very big question that is involved.

Mr. KING. If we eliminate the alleged gratuity of $593,000 and charge the Indian lands with $1,000,000 so that the land to be reclaimed would pay approximately $67 an acre, approximately what is paid by the white people, there would be no controversy, at least so far as I am concerned.

Mr. DILL. The land that is to be reclaimed, as I understand it, is now waste land.

Mr. KING. Oh, no.

Mr. DILL. That is the statement made here.

Mr. KING. There are 8,346 acres which have been reclaimed and which have been cultivated for many years, and the theory is that they will put the 8,346 acres into the entire aggregate acreage and charge those acres theoretically, but still put all the burden upon the 15,000 acres.

Mr. DILL. I think the 15,000 acres could well afford to bear that burden, because otherwise they would never have been developed. The proposal that the money should not be reimbursed is to me indefensible in the face of the long established policy of Congress of requiring the reimbursing of all such appropriations. I do not desire to take further time on the matter, but I did want to make just that statement.

Mr. BRUCE. Mr. President, I send to the desk a telegram which I should like to have read. It relates to the present debate.

The PRESIDING OFFICER. The telegram will be read, as requested.

The Chief Clerk read as follows:

BALTIMORE, MD., *February 28, 1928.*

Hon. WILLIAM CABELL BRUCE,

United States Senate, Washington, D. C.:

Large group Baltimore women, including heads of several large women's organizations, in meeting assembled with Fortnightly Club, strongly urge that Senate bill 700 be so amended as to fully protect interests of Pueblo Indians, and that you as our representative advise the Senate of our wishes in this matter.

ANNA N. KAY, *Secretary.*

Mr. McKELLAR. Mr. President, I wish to say to those who are in charge of the bill that I do not intend to delay its further consideration more than 10 minutes. I desire to speak for about that length of time upon another matter.

Mr. BRATTON. I thank the Senator for his assurance.

FEDERAL AID TO ROADS

Mr. McKELLAR. Mr. President, I was glad to note in his December message that the President thought well of Federal participation in road building. I regret, however, that he said: "National participation, however, should be confined to trunk-line systems." In this I think the President has made a mistake. Only a small proportion of the people of the United States live on trunk-line systems, and I believe as many of the people of the United States as possible are entitled to good roads. There are already in existence splendid trunk-line roads.

Mr. President, the Federal aid to roads movement got its first great impetus in the House of Representatives in 1912. I was then serving there and I was placed upon a special committee to draft a Federal aid to roads law. Tennessee was particularly honored by the then Speaker, Champ Clark, when he put both Congressman JOSEPH W. BYRNS and myself on that committee. We reported out a bill known as the Shackleford bill, but it failed of passage and there were many failures before the bill finally became the law. However, the present road act was finally enacted into law on July 11, 1916. Shortly after that, when the question of appropriation was up, we were virtually in the throes of a war and the then President had indicated that he did not desire money to be spent for roads at that time. The late Senator Bankhead was chairman of the Post Offices and Post Roads Committee at the time, and he and I called on the President and got him to recommend a liberal appropriation. Later on the appropriations were made even more liberal, and to-day under the impetus given to road building by Federal aid we are developing a vast and splendid system of good roads throughout the country.

The Federal Government is specifically authorized by the Constitution to establish post roads. There can be no possible constitutional objection to this system. The first Federal-aid road was begun in the administration of Mr. Jefferson, who was an ardent advocate of good roads. So that Federal aid to roads is not only constitutional but it is Democratic, as it was begun by the founder of our party.

The value of good roads to the country can not be estimated. When this national aid to roads act was passed there was not even a State highway commission in Tennessee, but I went to Nashville in 1915 and urged the passage of a highway commission bill so that Tennessee could have the advantage of the Federal aid act, when passed, and a bill was passed by the legislature and from the very beginning Tennessee has received her full share of the benefits of the Federal aid act. On July 31, 1916, I made a speech in the House of Representatives, being then a Member of that body, on benefits to Tennessee from the Federal road law, which speech I closed as follows:

I am very proud of the part I have taken in securing this much-needed piece of national legislation. It is one of the many great pieces of legislation enacted by this Democratic administration. It will accomplish great things for Tennessee, and it will give an impetus to road building in our State that it has never had before. The various counties are already doing much in that line, but with the example of the State and National Governments before them they will accomplish greater and larger things. This is my firm belief.

Mr. President, the belief that I then entertained has been more than realized.

The total mileage of Federal-aid projects completed in Tennessee up to date is 900 miles. The total mileage of Federal-aid projects under construction is 250 miles. The total of Federal payments on completed projects is $12,284,761. The total paid by the State on these projects is $13,652,093. The total Federal payments on projects under construction up to November 30, 1927, was $2,161,181. This, added to combined projects above, makes the total $14,446,942.

I have recently obtained from the Bureau of Roads full information in reference to Federal-aid roads built in Tennessee.

Mr. President, I ask that there may be inserted in the RECORD at this point in my remarks tables furnished me by the Bureau of Roads showing the types and location of completed Federal-aid projects in Tennessee as of November 30, 1927.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Type and location of completed Federal-aid projects in Tennessee, November 30, 1927

Location	Project No.	Length
CONCRETE ROADS		*Miles*
Athens to McMinn-Bradley County line	28	14.5
Humboldt to Gibson-Madison County line	29A	2.3
Madison-Gibson County line toward Humboldt	29B	7.4
Brighton to Covington	31B	7.3
Millington to Shelby-Tipton County line	31C	3.9
Town of Sale Creek to Soddy Creek	35	7.4
Shelby-Fayette County line to Fayette-Tipton County line	36A	7.9
Gates to Lauderdale-Dyer County line	39B	6.0
Ripley to Gates	39C	10.0
Near Knoxville to Knox-Loudon County line	41B	2.8
Greenville to Limestone	44A	11.4
Troy to Union City	54	9.5
McMinn-Monroe County line toward Athens	60A	7.0
Jackson to Madison-Haywood County line	69	14.7
Brownsville to Haywood-Madison County line	70	6.1
Tiptonville toward Hornbeak	71	1.0
Cleveland to Bradley-James County line	78A	9.2
Trenton to Humboldt	.86	9.5
On Chattanooga-Whitwell Road near junction road to Dayton	88	.9
Kingsport toward Bristol	95	6.3
End of project 95 toward Bristol	97	8.0
End of project 97 toward Bristol	98	8.3
Fayette-Tipton County line to Tipton-Haywood County line	204A	4.8
Lenoir City to Loudon-Knox County line	207	5.2
Total		171.4
BITUMINOUS CONCRETE ROADS		
Memphis to Mississippi line near Whitehaven	43	7.4
Dyersburg to Newbern	52	8.3
Nashville southwest toward Memphis	87	2.5
Nashville toward Gallatin	206	3.7
Total		21.9
ROCK ASPHALT ROADS		
Alabama Line to Pulaski	25	19.2
Columbia to Maury-Williamson County line	26	11.9
La Follette to Campbell-Anderson County line	37C	4.8
Near Knoxville to Knox-Loudon County line	41B	12.8
Sumner-Davidson County line to Gallatin	63	12.8
Brownsville to Haywood-Madison County line	70	3.9
Kingston to Rockwood	85	10.0
Total		75.4
BITUMINOUS MACADAM ROADS		
Marion-Hamilton County line toward Whitwell	2B	1.4
Johnson City to Washington-Greene County line	6	19.7
Memphis to Millington	8	16.1
Between Arthur and Clinch River	12B	15.7
Tate Springs to Kingsport	14	50.1
Jamestown to Forbus	20	14.3
Benton-Carroll County line to Huntingdon	21	12.3
Dresden to McKenzie	22	15.4
From project 2 toward Whitwell	24	2.3
Covington to Tipton-Lauderdale County line	30	5.2
Lauderdale-Tipton County line to Ripley	32	7.7
Bells northwest on Jackson-Dyersburg Road	33	5.7
La Follette to Campbell-Anderson County line	37C	7.7
White-Cumberland County line to Sparta	38	13.5
Buford to Giles-Maury County line	40A	7.1
Cheatham-Dickson County line to Burns	46B	9.9
Murfreesboro to Lavergne	47	15.5
Readyville to Murfreesboro	48B	10.6
Woodbury to Cannon-Rutherford County line	49	6.6
Lincoln-Bedford County line to Fayetteville	50	15.3
Madison-Crockett County line to 5 miles west of Jackson	57	6.7
McMinnville to Warren-Cannon County line	65B	12.2
From project 24 toward Whitwell	72A	9.9
Belleview toward Nashville	74	2.3
Pikeville to Bledsoe-Rhea County line	84	8.9
Clarksville to Cumberland River	91A	1.8
Bedford-Rutherford County line to Shelbyville	96	11.0
Sparta to White-Van Buren County line	201A	14.0
Van Buren-Warren County line to McMinnville	202	13.4
Total		332.3
GRAVEL ROADS		
Paris to Henry-Carroll County line	7	15.4
Camden to Benton-Humphreys County line	9	7.0
Paris to Kentucky line	10	18.3
McKenzie to Carroll-Henry County line	13	2.8
Summertown to Hohenwald	27	20.5
Lawrenceburg to Lawrence-Wayne County line	62B	15.5
Carthage to Smith-Wilson County line	68	10.7

Type and location of completed Federal-aid projects in Tennessee, November 30, 1927—Continued

Location	Project No.	Length
GRAVEL ROADS—continued		*Miles*
Tiptonville toward Hornbeak	71	7.0
Camden to Benton-Carroll County line	94	8.0
Wayne-Lawrence County line to Waynesboro	99	11.8
Total		117.0

I next quote the facts and figures on partly constructed highways. Probably the principal highway through Tennessee is the one from Memphis in a general northeasterly direction to Bristol. I give the data as to that road furnished me by the Bureau of Roads:

Memphis to Bristol

Location	Federal-aid project No.	Status	Distance (miles)	Type of surface
Memphis to point about 5 miles east.	None.			
Point about 5 miles east to Shelby-Fayette County line.	36BCD	Construction	18.8	Concrete.
Shelby-Fayette County line to Fayette-Tipton County line.	36A	Completed	7.9	Do.
Tipton-Fayette County line to Tipton-Haywood County line.	204A	do	4.7	Do.
Haywood-Tipton County line to Brownsville.	100	Construction	16.1	Do.
Brownsville to Haywood-Madison County line.	70	Completed	6.1 3.9	Do. Rock asphalt.
Madison-Haywood County line to Jackson.	69	do	14.6	Concrete.
Jackson to point 8 miles northeast.	51D	Construction	7.9	Graded and drained.
Point 8 miles northeast of Jackson to Huntingdon.	51ABC	Completed	26.3	Do.
Huntingdon to Carroll-Benton County line.	21	do	12.3	Bituminous macadam.
Benton-Carroll County line to Camden.	94	do	8.0	Gravel.
Camden to Benton-Humphreys County line.	9	do	7.0	Do.
Humphreys-Benton County line to Burns.	None.			
Burns to Dickson-Cheatham County line.	46	do	9.9	Bituminous macadam.
Cheatham-Dickson County line to point 2 miles from Cheatham-Davidson County line.	205	do	9.5	Graded and drained.
Point 2 miles from Cheatham-Davidson County line to point near Belleview.	75A	Construction	7.4	Concrete.
Terminus of project 75A to terminus project 75B.	74	Completed	2.3	Bituminous macadam.
Terminus project 74 to McLean.	75B	Approved	2.5	Graded and drained.
McLean to Nashville	87	Completed	2.5	Bituminous concrete.
Nashville to Davidson-Rutherford County line.	56	Construction	13.0	Concrete.
Rutherford-Davidson County line to Murfreesboro.	47	Completed	15.5	Bituminous macadam.
Murfreesboro to Readyville	48B	do	10.6	Do.
Readyville to Rutherford-Cannon County line.	48C	Approved	.7	Do.
Cannon-Rutherford County line to Woodbury	49	Completed	6.6	Do.
Woodbury to Cannon-Warren County line.	48A	Construction	8.6	Do.
Warren-Cannon County line to McMinnville.	65	Completed	12.2	Do.
McMinnville to Warren-Van Buren County line.	202	do	13.4	Do.
Bridge over Caney Fork	203	Construction	.1	Reinforced concrete bridge.
Bridge over Caney Fork to Sparta.	201	Completed	14.0	Bituminous macadam.
Sparta to White-Cumberland County line.	38	do	13.5	Do.
Cumberland-White County line to Rockwood.	None.			
Rockwood to Kingston	85	do	10.0	Rock asphalt.
Kingston to Roane-Loudon County line.	45A	Construction	11.6	Concrete.
Loudon-Roane County line to Loudon-Knox County line.	45B	Approved	8.0	Not determined.
Knox-Loudon County line to Point near Knoxville.	41	Completed	12.8	Rock asphalt.
Terminus project 41 to Knoxville.	None.			
Knoxville to Rutledge	210	Approved	7.0 5.7 17.6	Bituminous concrete. Graded and drained. Not determined.
Rutledge to Tate Springs	None.			
Tate Springs to Kingsport	14	Completed	50.1	Bituminous macadam.
Kingsport to Bristol	95, 97, 98	do	22.7	Concrete.

I next give the data in connection with the road from Chattanooga to Knoxville.

Chattanooga to Knoxville

Location	Federal-aid project No.	Status	Distance (miles)	Type of surface
Chattanooga to Hamilton-James County line.	78C	Approved	9.8	Not determined.
James-Hamilton County line to James-Bradley County line.	78B	Construction	6.4	Graded and drained.
Bradley-James County line to Cleveland.	78A	Completed	9.2	Concrete.
Cleveland to Bradley-McMinn County line.	58	Construction	10.1	Do.
McMinn-Bradley County line to Athens.	28	Completed	14.5	Do.
Athens to point 2 miles north.	60B	Approved	2.1	Not determined.
Point 2 miles north of Athens to McMinn-Monroe County line.	60A	Completed	7.0	Concrete.
Monroe-McMinn County line to Lenoir City.	None.			
Lenoir City to Loudon-Knox County line.	207	do	5.2	Do.
Knox-Loudon County line to point near Knoxville.	41	do	2.8 12.8	Do. Rock asphalt.
Terminus Project 41 to Knoxville.	None.			

Next from Memphis to Fulton, Ky.

Memphis to Fulton

Location	Federal-aid project No.	Status	Distance (miles)	Type of surface
Memphis to Millington	8	Completed	16.1	Bituminous macadam.
Millington to Covington	31BC	do	11.2	Concrete.
Do	31A	Construction	9.8	Do.
Covington to Tipton-Lauderdale County line.	30	Completed	5.1	Bituminous macadam.
Lauderdale-Tipton County line to Ripley.	32	do	7.7	Do.
Ripley to Dyersburg	39ABC	do	22.2	Concrete.
Do	39D	do	.1	Bridge.
Dyersburg to Newbern	52	do	8.3	Bituminous concrete.
Newbern to Dyer-Obion County line.	81B	Construction	7.5	Graded and drained.
Obion-Dyer County line to Obion.	81C	Approved	3.8	Not determined.
Obion to Troy	81A	Construction	5.8	Graded.
Troy to Union City	54	Completed	9.5	Concrete.
Union City to South Fulton	64	Construction	10.0	Do.

Next from Nashville to Chattanooga.

Nashville to Chattanooga

Location	Remarks
Nashville to Murfreesboro	Federal-aid projects Nos. 56 and 47 common with Memphis-Bristol route.
Murfreesboro to Chattanooga	No other Federal-aid projects on the route.

Next from Alabama line, through Nashville and Gallatin, to the Kentucky line.

Alabama line, through Nashville and Gallatin, to Kentucky line

Location	Federal-aid project No.	Status	Distance (miles)	Type of surface
Alabama Line to Pulaski	25	Completed	19.2	Rock asphalt.
Pulaski to Columbia	40A	do	7.1	Bituminous macadam.
Do	40B	Construction	12.5	Do.
Do	40C	do	9.4	Concrete.
Columbia to Maury-Williamson County line.	26	Completed	11.9	Rock asphalt.
Williamson-Maury County line to Nashville.	None.			
Nashville toward Gallatin	206	Completed	3.7	Bituminous concrete.
Terminus of project 206 to terminus project 67A.	67B	Approved	.5	Grade separation.
Terminus of project 67B to Davidson-Sumner County line.	67A	Construction	5.6	Rock asphalt.
Sumner-Davidson County line to Gallatin.	63	Completed	12.8	Do.
Gallatin to Kentucky line	None.			

Mr. McKELLAR. From these facts and figures, Mr. President, which I shall not undertake now to elaborate, it is seen what Federal aid is doing for Tennessee. While these through lines have not all been completed with Federal aid, they have been filled in by the counties or by the State in a way that now gives us a good system of through highways. It will be seen from examining the figures that the Federal-aid projects have cost an average of about $30,000 a mile, which is a reasonable cost when we remember that some of them were built during and just after the war. The building of these roads has given a wonderful impetus to road building throughout the State, and though Federal aid has continued only a period of 10 years we have established in our State an excellent system of roads.

Mr. President, we must take no backward step on the question of road building. Instead of that, we should move forward and progress. I have introduced another bill providing for Federal aid to rural post roads. I hope to get it reported out of the committee and passed soon. It ought to become the law. Nothing so helps a country as a good system of roads. There should be hard-surfaced roads connecting every county seat not only in Tennessee, but connecting county seats in every State in the Union. The Government can not better spend its money than to spend it on Federal aid to roads. As a member of the Post Offices and Post Roads Committee of the Senate I have taken part in all legislation providing for Federal aid to roads, and a most active part, and am one of the authors of the present amended law, and I take pride in the fact that I have had the opportunity in this way of aiding in building up the road system, not only of my own State, but the road systems of the Nation.

PUEBLO INDIAN LANDS

The Senate resumed the consideration of the amendment of the House of Representatives to the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes.

The PRESIDING OFFICER (Mr. HEFLIN in the chair). The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment of the Senator from Kansas [Mr. CURTIS] as modified.

Mr. KING. Mr. President, the debate upon the pending measures has consumed considerable time and covered the important questions involved. The Senators from New Mexico have, with ability and zeal, presented their views and submitted arguments in favor of the bill as amended by the House. The Senators from Wisconsin [Mr. LA FOLLETTE] and North Dakota [Mr. FRAZIER] in an able and comprehensive manner assembled the facts and presented arguments against the House amendment. So far as I know the material facts have been presented and the case is ready to be closed and the judgment of the Senate taken. However, before the final vote I desire to give to the Senate my views upon the measure before us and to state some of the reasons which will compel me to vote against the bill.

For a number of years the inhabitants of the Rio Grande Valley in New Mexico have been interested in developing an irrigation and reclamation project and in protecting their property from devastating floods. The Rio Grande River flows through this valley for more than 150 miles, and there can be irrigated, if the waters of the river are properly conserved and distributed, approximately 132,000 acres of land. Within the valley there have resided for hundreds of years groups of Indians known as the Pueblos. When the Spaniards first entered the Rio Grande Valley in New Mexico they found a large number of Indians who were engaged in agricultural and pastoral pursuits.

They had houses and lands and personal property and were cultivating many thousand acres of land upon which they produced abundant crops for their sustenance. These Indians were peaceable and inoffensive, and had attained a higher standard of civilization than many tribes in the territory now embraced within the United States. Their villages were located upon the highlands, and by means of dams and ditches water was diverted at many places from the river and conveyed to and upon the lands which they cultivated. The land irrigated by them yielded valuable agricultural crops, and because of their agricultural pursuits it gave to them permanent habitats. There were a number of these pueblos extending up and down the valley for many miles. The maximum number of acres of land irrigated by the Indians in those early days was greatly in excess of the area now cultivated by the Indians.

With the advent of the Spaniards and the changed conditions which subsequently occurred, together with the movement of Americans westward as the United States became settled, the number of Pueblo Indians diminished, and the area of the lands owned and occupied by them materially decreased. At the present time there are about 3,500 Pueblo Indians occupying a portion of the lands which their ancestors owned and possessed hundreds of years ago. They hold the lands of each separate group or pueblo in communal form, and each pueblo in many ways is a distinct and corporate entity. These Pueblo Indians farm approximately 8,340 acres, being a portion of the lands which have been occupied and farmed for hundreds of years by their forefathers.

In the hearings upon this and other similar bills, and during the debate, intimations have been made that the Indians do not have an indefeasible title to the lands which they occupy and the waters which they use for irrigation and domestic purposes. The argument has been made in favor of the pending bill that it is a protective measure and will assure the Indians title to the lands which they now occupy and the waters which they now use for irrigation purposes, as well as those which they will in the future use upon additional lands which will be brought under cultivation.

Mr. President, in my opinion, the Pueblo Indians have suffered at the hands of the Government and of the white man. Little by little encroachments have been made upon their holdings and lands which have come down to them from past centuries. In my opinion, the United States has not always been a faithful guardian of these patient and inoffensive Indians and has looked on with complacency and indifference while they have been despoiled of their possessions. The limits of their lands have been narrowed by unjust invasions, and trespasses committed upon their property have been asserted as the foundation of alleged newly acquired titles by such trespassers.

Mr. President, legislation is not needed for the protection of these Indians. If the Government and the Indian Bureau would discharge the duties resting upon them, no further exploitation of these Indians would occur. Legislation, however, has been sought in the past to further deprive the Pueblos of their lands. A commission created by Congress is now investigating the claims set up by white men, and I am told that it has been established that prescriptive rights have been asserted against the Indians as a result of which they will be deprived of many hundreds of acres of land.

Mr. President. as I have stated, the Pueblo Indians trace their land titles back for hundreds of years. They were recognized by the Spanish conquerors, and under the treaty of Guadalupe Hidalgo the rights of the Pueblo Indians were recognized. To justify this legislation upon the ground that the rights of the Indians will be protected seems the height of irony. The United States can not divest the Indians of their rights either in land or water. There is a solemn obligation to protect the Indians from the trespasses and invasions of white men and guard them against exploitation.

The rights of the Pueblo Indians to land were not derived from New Mexico. The enabling act for the State required a compact that the State should surrender to the Congress of the United States all jurisdiction and right over the lands of any Indians deriving title from the United States or any prior sovereignty, and reserving jurisdiction to the United States over these lands until the title of the Indians had ceased to exist. By the constitution of the State of New Mexico these conditions were accepted, and the constitutionality of the same has been affirmed by the Supreme Court of the United States.

The waters used for irrigation upon the lands of the Pueblo Indians was an appurtenant to the land, and the Indians owned the same as well as the lands in fee. Certainly, no one can challenge the right of the Pueblos to the use of the waters of the Rio Grande River which they and their ancestors have used for hundred of years. The right to the use of the waters which they have appropriated can not be denied them, and no legislative fiat is required to confirm their title or to make it more secure.

Mr. President, the intimations that these Indians have lost their land and water because of the invasions and trespasses of white people, or that their rights may be jeopardized by further invasions, is a reflection, just or unjust, upon the Government of the United States, and those charged with the protection of the Indians. This legislation is not urged by the Indians; it emanates from the white inhabitants of the Rio Grande Valley. Within the valley is the city of Albuquerque, and many thousands of American citizens have found homes in this part of New Mexico. The greater portion of the lands within the Rio Grande Valley has been acquired by American citizens. The facts brought to the attention of Congress show that the Rio Grande Valley suffers from floods and high waters, that farms are inundated and property destroyed. The floods have seriously

injured property within the city of Albuquerque and have destroyed property of great value owned by railroad companies. It is conceded that the floods should be controlled and steps taken to improve the irrigation systems within the valley, and to drain some portions of the lands which have become waterlogged and suffer from alkaline deposits. Of the approximately 132,000 acres of arable land 23,000 acres are concededly owned by the Indians, the residue by American citizens.

As stated, the Indian lands are not in one block, but in pueblos, and are interspersed with the lands of white settlers. To protect the city of Albuquerque and the railroads and the valuable properties of those residing in the valley, a conservancy district was organized under the laws of the State of New Mexico. The corporation so organized is to construct the necessary dams and flood-control works, irrigation systems, and provide for drainage where required. The estimated cost of the project is $11,829,000. The total area benefited is 132,000 acres, 23,000 of which are Pueblo Indian lands. Apparently the project will not be carried forward unless the Government assumes the burden of meeting certain charges allocated to the Indian lands. Accordingly, the bill before us has been prepared and authorizes an appropriation out of the Federal Treasury aggregating $1,593,311. I should state that there should be added to this sum $50,000 which was appropriated last year for investigation and preliminary purposes.

It is conceded that the Indians are now irrigating 8,343 acres of land, and that the project when completed will enable them to irrigate an additional 15,000 acres. The claim is made that the entire project is halted until Congress makes provision for the costs chargeable against the Indian lands.

In April, 1926, the first conservancy bill was introduced. It called for an appropriation of $1,200,000. When representatives of the Pueblos insisted that the amount to be charged to the Indians was too great, whether viewed from the standpoint of Indian reimbursement or as a Government gratuity, the conservancy district through its attorney, under date of June 4, 1926, stated:

> Of course, if it is found that only 15,000 or 20,000 acres of Indian land can be properly reclaimed, then an appropriation of $600,000 or $800,000 would be sufficient. The chief engineer, Mr. Joseph Burkholder, says that if it will help the bill at this time it might be wise to consent to cut the appropriation authorized to $700,000, and if it is found out later that more land can be developed and reclaimed, then we will seek additional money later.

This statement means that the reclamation or development of 20,000 acres of Indian lands could be accomplished for a maximum of $800,000, although the chief engineer places it at $700,000. The cost per acre would be, according to the attorney, Mr. Rodey, $40, and according to Mr. Burkholder, the chief engineer, $35 per acre. It is not stated that 20,000 acres of the Pueblo lands are to be irrigated and reclaimed, but the demand is now made for an appropriation of $1,593,311.

It is admitted that the Indians now irrigate 8,340 acres; that they have an irrigation system which, although not modern, has met in a satisfactory manner the requirements of the Indians. The project therefore is not for the benefit of these irrigated Indian lands. No one questions the title of the Indians to these lands or their right to divert waters from the river for their irrigation. Indeed, these lands have a primary right to the use of the waters from the Rio Grande River; it is a vested right; it is one of which the Indians can not be deprived. If the principles of equity were to be strictly applied in this case, the remaining 15,000 acres of lands owned by the Indians which it is claimed will be brought under irrigation upon the completion of the project would be recognized as entitled to the use of the waters of the Rio Grande River. These lands were at one time irrigated, and the Indians have done nothing which forfeited their rights to the perpetual use of sufficient of the waters of the river for the irrigation of their lands.

However, the point is not being made that the conservancy district should complete the project without some contribution from the Indians or the Government. It is a question, however, of prime importance as to what sum should be contributed to the enterprise to meet any fair charge laid against pueblo lands not now irrigated.

I have quoted what was said by the chief engineer when he fixed $35 per acre as an adequate and fair sum to be paid. It must be remembered that this project is essentially one for the benefit of the white residents of the State of New Mexico. It is of the utmost benefit to the city of Albuquerque and the railroad companies, which have many millions of dollars invested in railroad property. It is for the benefit of thousands of white settlers who are engaged in agricultural and industrial pursuits. That the project is a worthy one and should be carried out, I cheerfully concede. But I repeat that the enterprise is for the white man, and he will be the principal beneficiary.

In my opinion, the conservancy district should be satisfied with but a small consideration from the Government in behalf of the Indians. Considering the claims of the Indians that the valley was once theirs, that the waters of the Rio Grande had flowed over, upon, and through the lands of their forefathers for many hundreds of years; I say, considering all these things and the fact that the Pueblo Indians now own but a moiety of their former possessions and have received but little, if any, consideration for the lands now claimed and owned by the whites, this enterprise should be carried forward with but an inconsiderable charge imposed upon the Pueblo Indians. But the contrary is true. The bill as amended will impose a burden of approximately $150 per acre upon the Indian lands, which will be liable for the payment of the more than $1,593,311 to be advanced out of the Federal Treasury.

Mr. President, there is one aspect of this case that has been emphasized by the Senator from Wisconsin [Mr. LA FOLLETTE] and which is important enough to deserve further brief consideration. The Indian Bureau and the representatives of the conservancy district, in order to advance the project, represented to the Pueblo Indians that $593,311 of the advancement made by the United States Government should be regarded as a gratuity and not reimbursable by the Indians or from any Indian funds. The Indians were slow to give any indorsement to the conservancy project. When the costs were first reported from $25 to $40 per acre for the reclamation of their nonirrigated lands, there was an abatement of opposition, and, indeed, a disposition to give support to the project. Later, when the conservancy engineers estimated higher costs for the completion of the project, further consideration of the matter was required. Finally, the Indians assented to legislation which would impose upon the Indian lands that were to be brought under irrigation a charge of $67.72 per acre.

The Indian Bureau, as the hearings disclosed, supported that view, and aided in securing the assent of the Indians to legislation which imposed no greater burden than that just stated. A bill passed the Senate carrying this understanding into effect. The House reported the same provision, but an amendment was offered, without explanation, and adopted by the House, which changed the entire sum of $1,573,000 from a gratuity to a reimbursable obligation, and to a lien upon the lands of the Indians. The Pueblo Indians never assented to this bill. Indeed, since they have learned of this change they have protested vigorously against the passage of the bill. Their attorneys have wired objections, and Congress has been made aware of the fact that if the bill is passed in the form in which it now appears the Indians will charge the Government with perfidious conduct.

The bill as it came back from the House and as it was again reported from the Senate committee provides that $1,573,311, to be advanced by the Government, shall be reimbursed; that it shall be a charge upon the 15,000 acres, which it is claimed will obtain water for irrigation purposes. This sum will constitute a lien upon the 15,000 acres; but this proposition has been modified, if I understand the amendment offered by the Senator from Kansas [Mr. CURTIS].

This amendment provides that from the 15,000 acres which will, it is assumed, obtain water from the conservancy project when completed, 4,000 shall be subtracted and freed from the obligation to pay any proportion of the $1,593,311 appropriated by the Government to aid in the completion of the project. However, the result is merely to augment the burden placed upon the remaining 11,000 acres. This area will have to meet the entire payment and will be subjected to a lien until the entire obligation is discharged.

It is obvious that this enormous burden can never be paid, and that the lands sooner or later will pass out of the hands of the Indians. If the bill becomes a law with this amendment incorporated therein, it will mean that water for each acre of the 11,000 will cost $150. Manifestly, the obligation can never be discharged. It is preposterous to impose upon the land such a burden and to assume that it will be met. Under the bill as amended the white settlers obtain their water rights for $76 per acre. But this bill proposes to tax the 11,000 acres of Indian lands which it is alleged will be reclaimed and irrigated $150 per acre for water to irrigate the same.

The Senator from Kansas [Mr. CURTIS] when offering his amendment indicated, if I correctly interpret his remarks, that these 11,000 acres would be leased to white men. The conclusion was forced upon me from his statement that the Indians could never assume the burden of paying for the water, and that in the end they would lose both the land and the water. Those familiar with the reclamation of arid lands and the conversion of raw lands of the West into fields and farms

appreciate the hardships and burdens incident to the task. Notwithstanding the claimed fertility of the Rio Grande Valley, I do not hesitate to affirm that the lands which are to be irrigated under the conservancy project will not in this generation or the succeeding one be worth $150 per acre, including the appurtenant water right. There is evidence in the hearings that lands owned and farmed by the white settlers with primary water right range between $50 and $100 per acre.

Mr. President, the practical workings of this bill, if it shall become a law, will show the wide departure from the assumptions and hypotheses indulged in by some of its advocates. I hope I shall be pardoned for emphasizing the proposition that this conservancy measure is for the benefit of the people of Albuquerque and the railroads and the 50,000 inhabitants within the Rio Grande Valley. It will immeasurably benefit them, increase the value of their property, and materially add to their wealth. It will have the effect of diminishing the rights of the Indians, of jeopardizing the residue of their holdings; and will eventuate in their losing the 11,000 acres together with any water right appurtenant thereto, all of which is subject to the payment of a lien amounting to $150 per acre.

Mr. President, the Indians will lose through the operation of this bill, and the Government of the United States will never be reimbursed for the sum of $1,593,311, which it will be called upon to contribute under the terms of the pending bill. In my opinion, when the full implications of this measure are brought home to the Pueblo Indians they will experience a feeling of resentment and will regard themselves as victims of governmental betrayal.

Mr. President, as I perused the hearings and listened to the debates, I could not repress the thought that the bonds of the conservancy district which it is expected will be issued, depend for a market upon the Government contributing to the project the sum of $1,593,311. This large amount constitutes part of the amount required to carry out the plan of the district. When I first examined the hearings I was somewhat mystified at the frequent assertions that the Pueblo lands within the district were to be taxed at the rate of $67 per acre for the water rights which they were to obtain. At the same time statements were made that the water rights acquired by white settlers would cost them $76 per acre. I soon discovered that a fiction was brought into the discussion, and that it was intended to dull the sharp edge of any criticism that might emanate from those who were interesting themselves in behalf of the Indians. But I soon discovered that the 8,343 acres of lands now being farmed by the Indians, and which had primary water rights, indeed rights superior to any other lands in the entire valley, were being included within the estimated area of Indian lands that were to receive water rights under the conservancy project.

In other words, it was assumed, and it gave color and the appearance of equity to the proposition, that the Indians were to be treated in a more generous manner than white persons who obtained lands and water rights. In my opinion, it was most disingenuous to convey the impression that lands which had vested and unassailable rights were to be assigned to the same category as raw lands or at least lands upon which water had not been used for many years. The Indian lands, which have been farmed and irrigated for centuries, possess their own irrigation system. It may not be modern, but it supplies the necessary water for the production of abundant crops. Those who are acquainted with the West know that the early settlers constructed dams and canals and ditches and diverted the water from the rivers and streams for the irrigation of the lands which they were reclaiming. With the advent of more settlers the importance of additional lands for homes and farms was perceived. Engineers of standing devised improved methods for conserving the water and securing a more economic use of the same. In many instances reservoirs were constructed and the high waters impounded; secondary rights grew up and were recognized, but in all of these mutations and transitions the rights of the first settlers were recognized; their rights were primary and superior, and subsequent appropriators were relegated to a secondary and subordinate status. So the Pueblo Indians, tracing their rights for hundreds of years, may be placed in the same category.

But the fiction that the entire 23,000 acres of Indian lands were to be irrigated under the conservancy project, and only because of it, gave to it a prestige, and perhaps a moral standing, that it might not otherwise have enjoyed. But we now learn that the bill, as amended, places upon the 11,000 acres of lands owned by the Indians a burden of $150 per acre, whereas the water rights obtained by the white settlers will cost them but $76 per acre.

Mr. President, the advantages, and I am guilty of repetition, resulting to the city of Albuquerque, to the railroads, to the business and industrial enterprises of the Rio Grande Valley are so great that they could afford to supply, without cost, water for the irrigation of this 15,000 acres of Indian lands which it is claimed will obtain water when the conservancy project is completed. But in no event should any portion of the Indian lands be subjected to a higher charge than that placed upon the water rights acquired by the white settlers.

Mr. President, if the Government contributed but a million dollars to the enterprise, it would be acting in a generous manner toward the Indians. If the chief beneficiaries of the project—namely, the white inhabitants of the Rio Grande Valley—are unwilling to furnish to the Indians water for the 15,000 acres, then I am willing that the United States should appropriate a million dollars for the purpose of supplying the 15,000 acres of land owned by the Indians and not now irrigated, sufficient water for the irrigation of the same, the amount to be reimbursible extending over a long period of years. A contribution at this time of that sum should be all that the persons interested in the project should require under any circumstances. The cost per acre upon this basis would be $66.66. I submit that that is a heavy charge and one which will require many years for the Indians or their lessees to meet.

Perhaps I am not quite in accord with my friends, the Senators from Wisconsin [Mr. LA FOLLETTE] and North Dakota [Mr. FRAZIER]. As I understood them, they contended that the contribution of the Government above a million dollars should be regarded as a gratuity and not be reimbursable. My opinion is that if any contribution is to be made to the project by the Indians or by the United States, it should not exceed $1,000,000, and that amount should be repaid to the United States during a series of years by the Pueblo Indians, who would receive from and under the conservancy district a good and sufficient water right for 15,000 acres of lands owned by them. In my opinion, a proposition of this kind should be accepted by the conservancy district. A million dollars to be paid by the Government would give an impetus to the enterprise and enable the district to sell its bonds and push the work of construction to a speedy conclusion.

The remark has been made by the supporters of this bill that the Senate must accept the House amendment making the $1,573,000 reimbursable or the bill will fail. Mr. President, I do not accept that view. The House, in my opinion, will not defeat the bill. The Senate has a right to reject the amendment, and it should not be coerced by the threats of the bill's defeat into accepting a proposition which does not meet the judgment of the Senate.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. KING. I yield.

Mr. LA FOLLETTE. Does not the Senator feel that the Senate, if convinced that its previous action on Senate bill 700 was sound, should take every legislative step possible in order to bring about an acceptance of that position by the House?

Mr. KING. I agree with the Senator. The Senate is not required to abdicate its function. It is part of the legislative branch of the Government. The Senate has the right to insist upon a fair consideration of measures originating in the House or which are amended in the House and returned to the Senate. With respect to the amendment now under discussion which was offered in the House it is my opinion that the body at the other end of the Capitol, and I am offering no criticism whatever, has not had an opportunity to consider it or to pass upon it. The Senator from Arizona [Mr. HAYDEN], in supporting the amendment, invited our intention to a statute calling for reimbursability for expenditures made in behalf of Indians. Conceding that Congress in the past has adopted a policy requiring reimbursements for advances made to wards of the Government, it does not estop this or future Congresses from adopting a different policy. Legislative bodies may not claim the virtue of consistency. Congress is often illogical—I was about to say gloriously inconsistent—as most human beings are in their daily conduct and activities.

However, Mr. President, the situation presented in the matter before us finds no parallel in former legislation. The case is unique, and the situation requires rational and just and fair treatment. In my opinion, such treatment is not being accorded the Pueblos in the bill before us. Having promised the Indians, as was done by the Indian Bureau and by representatives of the conservancy district, that they would not be required to pay to the Government in excess of a million dollars, and having secured their assent to a plan, imposing upon them an obligation to that extent, we may not now, as I view the case, increase their obligations. Certainly this can not be done with-

out their consent. It would subject us to just criticism and to the charge of Punic faith if, over their protest, we should saddle them with an obligation of $1,593,311.

Mr. President, I would rather see this legislation fail than to give the Indians any just ground to charge that they had been betrayed. I would rather see it fail than to impose upon them the heavy load of paying more than a million and a half dollars to secure water for the irrigation of a few thousand acres of land. I can not help but feel that they are the owners of sufficient of the waters of the Rio Grande River to irrigate 23,000 acres of land. They are now receiving only sufficient for the irrigation of 8,343 acres. The water is in the river. Only a few generations ago their fathers appropriated sufficient of the waters of the river to irrigate all of the land which it is contended will be cultivated upon the completion of the conservancy project. At any rate, Mr. President, I can not bring my judgment to support this bill in view of the facts as I understand them. I shall, therefore, vote against it.

The senior Senator from New Mexico [Mr. BRATTON] is greatly interested in the measure. He has made a superb fight and has conducted himself, as have his colleagues, in an honorable manner. I have no criticism to make of the Senators from New Mexico. The fact that the senior Senator, who is one of my dearest friends, gives his support to this measure standing alone would lead me without investigation to support it. There is no man in the Senate for whom I entertain a higher regard than the senior Senator from New Mexico. May I say that his name and fame will pass the boundaries of his own State? The future, in my opinion, will have higher honors to bestow upon him. But, Mr. President, it is our duty to weigh the questions presented for our consideration. We can not shirk the responsibilities resting upon us. Having considered this measure as best I could I am compelled to vote against it and sincerely hope that the Senate will return the bill to the House so that the Members of that body may have full opportunity to consider all provisions of the measure in its present form, and the consequences if it should become law.

Mr. President, I confess to a feeling of sympathy and compassion for the red men of our country. Whenever measures are presented for our consideration involving them or their interests, I feel an added responsibility resting upon me. Knowing that the Indians have been exploited and robbed and plundered, I regard it as an imperative duty of the Government and of the legislative branch of the Government to defend and protect them and to adopt every proper measure that will contribute to their welfare and to their moral and material advancement.

Mr. President, those who are conversant with the history of the Indians of our country from the days of the landing of the Pilgrim Fathers to the present time will be forced to the conclusion that the white man has often proven a cruel and ruthless master. The Indians were regarded as savages, and too often white settlers were cruel and relentless toward them. I was interested in the statement made by the junior Senator from New Mexico [Mr. CUTTING] in reference to the Conquistadores. His position was, if I understood him, that the Spaniards were more generous and chivalrous in their dealings with the Indians than were the Anglo-Saxons who subsequently came to America. I shall not indulge in comparisons. We all remember the statement, oft repeated, that the Pilgrims when they first landed fell upon their knees and then upon the aborigines. The Spaniards who conquered Mexico and Peru and other parts of the New World were not merciful. Certainly they did not observe a high standard of chivalry. Speaking generally of these conquering forces, they carried on war in a merciless manner. Many of them were filled with avarice, and in seeking for gold and precious metals they cared little for human life. They exterminated the inhabitants of Haiti, Porto Rico, and many of the Caribbean Islands. Most of the peoples whom they encountered were docile and inoffensive, but they fell victims to the cruel treatment of the Spanish invaders. After destroying peoples, the black man from Africa was brought to the Caribbean Islands and to the mainland of the Western Hemisphere. There are some Spanish historians who do not defend the atrocities and cruelties of their countrymen.

If it were pertinent to the question under discussion, I think it could be demonstrated that in North America the Indians were often robbed and plundered and subjected to cruel and inhuman treatment. Their lands were taken from them; treaties were made only to be violated by the Government. They have been treated as an inferior race and subjected to the wrongs and indignities which puissant peoples inflict upon weak and backward races.

I believe that our Government should be just to the Indians and be a faithful guardian over them. Congress should be solicitous for their welfare and should adopt wise and humane measures that will contribute to their civilization and their spiritual, moral, and material development. The American people are proud of the achievements of their country and of the high station which it occupies among the nations of the world. We do not hesitate to criticize European nations possessing colonies and condemn, often in savage terms, the alleged acts of cruelty perpetrated by powerful nations upon the inhabitants of colonial possessions.

We have a trust which we may not ignore. There are more than 300,000 Indians under the control of the United States. Their rights must be protected. I repeat that the obligations of the trustee are sacred and must be discharged. We can no longer treat the Indians cynically and cruelly. We can not deprive them of their lands or violate treaties. We must adopt different methods of dealing with the Indians. In my opinion we have failed to solve the Indian problem and are largely responsible for the woes and sorrows and tragedies which have come into their lives and for the lack of progress made by those who should have been the objects of our deepest solicitude and care. It is time to appraise the results of our more than 100 years of guardianship. We need new teachers and new leaders to guide the United States in its relations with the Indians. We talk much of psychology and its application to our educational system. We need a new Indian psychology. If we could, so to speak, burn the books which have guided us in dealing with the Indians and set out upon new paths, it would be better for the Government and infinitely better for the Indians.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	La Follette	Sheppard
Barkley	Ferris	McKellar	Shipstead
Bingham	Fess	McMaster	Smith
Black	Fletcher	McNary	Steck
Blaine	Frazier	Mayfield	Steiwer
Blease	George	Metcalf	Stephens
Borah	Gerry	Moses	Thomas
Bratton	Glass	Neely	Tydings
Brookhart	Gooding	Norbeck	Tyson
Broussard	Hale	Nye	Wagner
Bruce	Harris	Oddie	Walsh, Mass.
Capper	Harrison	Overman	Walsh, Mont.
Caraway	Hayden	Phipps	Warren
Copeland	Heflin	Pittman	Waterman
Couzens	Howell	Reed, Pa.	Watson
Curtis	Jones	Robinson, Ark.	Wheeler
Cutting	Kendrick	Robinson, Ind.	Willis
Deneen	Keyes	Sackett	
Dill	King	Schall	

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present. The question is upon agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment offered by the Senator from Kansas [Mr. CURTIS] as modified.

Mr. LA FOLLETTE. I ask that the clerk state the amendment pending to the amendment, and upon that question I ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will state the amendment to the amendment.

The CHIEF CLERK. The modified amendment of the Senator from Kansas is, on page 3, line 20, to insert after the word "lands" the words "except such part thereof as the Indians shall themselves farm, not to exceed 4,000 acres."

At this point the Senator from Wisconsin proposes to insert:

But no collection for reimbursement from proceeds of leases of any Indian acres shall exceed in annual amount the payment made annually by white acres of like character toward the amortizing of the share of said white acres in the indebtedness of the middle Rio Grande conservancy district.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment of the Senator from Kansas [Mr. CURTIS] as modified. On that question the Senator from Wisconsin asks for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. Not knowing what his position would be on this matter, I transfer the pair to my colleague the junior Senator from Florida [Mr. TRAMMELL], who is unavoidably absent, and vote "nay."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. McLEAN]. In his absence I withhold my vote.

Mr. NYE (when his name was called). I desire to announce that on this question I have a general pair with the senior Senator from Missouri [Mr. REED]. I find that I can transfer the pair to the senior Senator from Nebraska [Mr. NORRIS], who is unavoidably absent. I make that transfer and vote "yea."

Mr. TYSON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. GOFF]. I transfer the pair to the junior Senator from New Jersey [Mr. EDWARDS] and vote "nay."

The roll call was concluded.

Mr. JONES (after having voted in the negative). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent. I promised to take care of him with a pair. I understand, however, that he would vote on this question as I have voted. Therefore I will allow my vote to stand.

Mr. TYDINGS. I am paired with the Senator from Oklahoma [Mr. PINE]. I transfer that pair to the Senator from Delaware [Mr. BAYARD] and vote "nay."

The result was announced—yeas 14, nays 57, as follows:

YEAS—14

Blaine	Frazier	McMaster	Shipstead
Borah	Howell	Neely	Wheeler
Brookhart	King	Nye	
Copeland	La Follette	Schall	

NAYS—57

Ashurst	Edge	McKellar	Steiwer
Barkley	Ferris	McNary	Stephens
Bingham	Fess	Mayfield	Thomas
Black	Fletcher	Metcalf	Tydings
Blease	George	Moses	Tyson
Bratton	Gerry	Oddie	Wagner
Broussard	Gooding	Overman	Walsh, Mass.
Bruce	Hale	Phipps	Walsh, Mont.
Capper	Harris	Reed, Pa.	Warren
Caraway	Harrison	Robinson, Ark.	Waterman
Couzens	Hayden	Robinson, Ind.	Watson
Curtis	Heflin	Sackett	Willis
Cutting	Jones	Sheppard	
Deneen	Kendrick	Smith	
Dill	Keyes	Steck	

NOT VOTING—23

Bayard	Goff	Norbeck	Shortridge
Dale	Gould	Norris	Simmons
du Pont	Greene	Pine	Smoot
Edwards	Hawes	Pittman	Swanson
Gillett	Johnson	Ransdell	Trammell
Glass	McLean	Reed, Mo.	

So Mr. LA FOLLETTE's amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Kansas [Mr. CURTIS], as modified, to the amendment of the House of Representatives.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is on the House amendment as amended.

Mr. LA FOLLETTE. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). Making the same announcement as on the previous vote with reference to my pair and its transfer, I vote "yea."

Mr. GLASS (when his name was called). Making the same announcement with reference to my pair as on the previous vote, I withhold my vote.

Mr. JONES (when his name was called). Making the same announcement as I did on the previous vote with reference to my pair with the senior Senator from Virginia [Mr. SWANSON], who, I understand, would vote as I shall vote on this question, I vote "yea."

Mr. NYE (when his name was called). Repeating the announcement made on the previous vote with reference to my pair with the senior Senator from Missouri [Mr. REED], I find that I can transfer the pair to the senior Senator from Nebraska [Mr. NORRIS]. I make that transfer and vote "nay."

Mr. TYDINGS (when his name was called). On this vote I am paired with the senior Senator from Oklahoma [Mr. PINE]. I transfer that pair to the senior Senator from Delaware [Mr. BAYARD] and vote "yea."

Mr. TYSON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF]. I transfer the pair to the senior Senator from New Jersey [Mr. EDWARDS] and vote "yea."

The roll call was concluded.

Mr. REED of Pennsylvania (after having voted in the affirmative). I have a general pair with the Senator from Delaware [Mr. BAYARD], but I am authorized to say that if he were present he would vote the same as I have voted. Therefore, I allow my vote to stand.

The result was announced—yeas 59, nays 13, as follows:

YEAS—59

Ashurst	Edge	McKellar	Smith
Barkley	Ferris	McNary	Steck
Bingham	Fess	Mayfield	Steiwer
Black	Fletcher	Metcalf	Stephens
Blease	George	Moses	Thomas
Bratton	Gerry	Neely	Tydings
Brookhart	Gooding	Oddie	Tyson
Broussard	Hale	Overman	Wagner
Bruce	Harris	Phipps	Walsh, Mass.
Capper	Harrison	Pittman	Walsh, Mont.
Caraway	Hayden	Reed, Pa.	Warren
Curtis	Heflin	Robinson, Ark.	Waterman
Cutting	Jones	Robinson, Ind.	Watson
Deneen	Kendrick	Sackett	Willis
Dill	Keyes	Sheppard	

NAYS—13

Blaine	Frazier	McMaster	Wheeler
Borah	Howell	Nye	
Copeland	King	Schall	
Couzens	La Follette	Shipstead	

NOT VOTING—22

Bayard	Goff	Norbeck	Simmons
Dale	Gould	Norris	Smoot
du Pont	Greene	Pine	Swanson
Edwards	Hawes	Ransdell	Trammell
Gillett	Johnson	Reed, Mo.	
Glass	McLean	Shortridge	

So the amendment of the House of Representatives as amended was agreed to.

THE CALENDAR

Mr. CURTIS. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business to-morrow the morning hour be devoted to the calendar for the consideration of unobjected bills, commencing where we left off on the last call of the calendar.

Mr. ROBINSON of Arkansas. Mr. President, a number of Senators have indicated to me a desire that such an arrangement shall be made. I have no objection to it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 17 minutes p. m.) adjourned until to-morrow, Friday, March 2, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 1, 1928

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

David E. Kaufman, of Pennsylvania, to be envoy extraordinary and minister plenipotentiary of the United States of America to Bolivia.

PUBLIC HEALTH SERVICE

Surg. Leslie L. Lumsden to be senior surgeon in the Public Health Service, to take effect from date of oath, in place of Senior Surg. Henry S. Mathewson, deceased.

UNITED STATES ATTORNEY

Joseph A. Tolbert, of South Carolina, to be United States attorney, western district of South Carolina. (A reappointment, his term having expired.)

UNITED STATES MARSHAL

Samuel L. Gross, of Texas, to be United States marshal, northern district of Texas. (A reappointment, his term having expired.)

CONFIRMATIONS

Executive nominations confirmed by the Senate March 1, 1928

MEMBER FEDERAL BOARD FOR VOCATIONAL EDUCATION

Perry W. Reeves to be a member of the Federal Board for Vocational Education.

UNITED STATES MARSHAL

Douglas Smith to be United States marshal, middle district of Alabama. Reappointment.

POSTMASTERS

ALABAMA

Charles L. Jackson, Ashford.
Oliver P. Williams, Henagar.

William A. Giddens, Jones Mills.
Ora B. Wann, Madison.
Thomas C. Latham, Marvel.

COLORADO

Bessie Salabar, Bayfield.
Alice A. Blazer, Elizabeth.
John C. Straub, Flagler.
Ben H. Glaze, Fowler.
Paul C. Boyles, Gunnison.
Edward F. Baldwin, Nucla.
John R. Munro, Rifle.

CONNECTICUT

Marshall Emmons, East Haddam.
Sidney M. Cowles, Kensington.

FLORIDA

Mary Conway, Green Cove Springs.

KANSAS

Harry Morris, Garnett.
Joseph V. Barbo, Lenora.
Forrest L. Powers, Le Roy.
George J. Frank, Manhattan.
Nora J. Casteel, Montezuma.
Anna M. Bryan, Mullinville.
Andrew M. Ludvickson, Severy.

MASSACHUSETTS

Fred C. Small, Buzzards Bay.

MICHIGAN

Melvin A. Bates, Grayling.
Patrick O'Brien, Iron River.
Wilda P. Hartingh, Pinconning.

MINNESOTA

Ernest J. Grunst, Alpha.
William Peterson, Atwater.
George E. Anderson, Austin.
Philip P. Palmer, Backus.
William F. Priem, Bellingham.
Agnes Doyle, Bovey.
Christ Bottge, Correll.
Ida V. Lund, Farwell.
Charles J. Johnson, Garfield.
Oscar W. Erickson, Kensington.
Herman C. Rustad, Kerkhoven.
Cline C. Barker, Kinney.
Bennie C. Vold, Maynard.
Clarence J. Hertzog, Proctor.
Edwin Nelson, Wendell.
Joseph Trojohn, Woodlake.
Milton P. Mann, Worthington.
Henry Groth, Wright.

MISSOURI

Edward A. Birkmann, Beaufort.
James D. Kochel, Canalou.
Ethel M. Cozean, Elvins.
George Thayer, Flemington.
Samuel H. Hudson, Granby.
Joseph P. O'Hern, Hannibal.
John M. Schermann, Hermann.
Hattie Stierberger, Union.

NEW YORK

John G. McNicoll, Cedarhurst.
Elmer C. Wyman, Dover Plains.
Margaret T. Sweeney, East Islip.
John E. Duryea, Farmingdale.
Wallace Thurston, Floral Park.
Ruth W. J. Mott, Oswego.
Fred L. Seager, Randolph.
Elmer Ketcham, Schoharie.
Ralph C. Reakes, Truxton.
John T. Gallagher, Witherbee.

NORTH DAKOTA

William H. Lenneville, Dickinson.
Charles L. Erickson, Lankin.

OHIO

Arthur L. Vanosdall, Ashland.
Edward M. Barber, Ashley.
Charles E. Kniesly, Bradford.
Charles R. Ames, Bryan.
Andrew L. Brunson, Degraff.
Wade W. McKee, Dennison.
Ida H. Cline, Kings Mills.
William H. Snodgrass, Marysville.
Clem Couden, Morrow.
La Bert Davie, New Lexington.
George B. Fulton, North Baltimore.
Iris L. Bloir, Sherwood.
Charles O. Eastman, Wauseon.
Ben F. Robuck, West Union.

OREGON

William A. Morand, Boring.
Elmer F. Merritt, Merrill.
William I. Smith, Redmond.

PENNSYLVANIA

Harry C. Myers, Holtwood.
John H. Francis, Oaks.
A. Milton Wade, Quarryville.
Newton E. Arnold, Roslyn.

TENNESSEE

William F. Osteen, Chapel Hill.
Ben M. Roberson, Loudon.
Peter Cashon, Dukedom.

TEXAS

Charles H. Bugbee, Clarendon.
Gustav A. Wulfman, Farwell.
Theodor Reichert, Nordheim.
Silas J. White, Rising Star.

UTAH

Ivor Clove, Enterprise.

WEST VIRGINIA

James T. Akers, Bluefield.
Josephine B. Marks, Walton.

HOUSE OF REPRESENTATIVES

THURSDAY, *March 1, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God of wisdom, God of love, we thank Thee for a faith that rises to a high certainty. We praise Thee that we are enfolded within the arms of Thy eternal mercy. We are so grateful that Thy beloved Son has swept aside all ideas of a throne of iron, of law, of icy intellect, of marble heart, and reflected Thee as a loving Father. Oh, the wonderfully rich meanings of that word! They could never be conveyed by power, intellect, or authority, but they are easily set forth by the deep sentiments which cluster about the word "Father." We are Thy children. Thou dost help us to meet despondency with courage, disappointment with resignation, weakness with strength, and fear with hope. Oh, this life with its tasks and opportunities, with the mighty day in which we live! Forbid that it should be to us just a partial eclipse of doubt and dueling, but a call, a high-sounding call to God and our country, in whose mirrors we shall be judged. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment the bill (H. R. 5818) authorizing J. H. Peacock, F. G. Bell, S. V. Taylor, E. C. Amann, and C. E. Ferris, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2820. An act authorizing the Secretary of War to loan certain field guns to the city of Dallas, Tex.

SENATE JOINT RESOLUTIONS AND BILL REFERRED

Joint resolutions and a bill of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. J. Res. 23. Joint resolution providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for construction of a permanent memorial of the Revolutionary War in the West and of the accession of the old Northwest to the United States on